

15 AUGUST 1947

I N D E X
of
WITNESSES

Defense' witnesses

Page

YAMAMOTO, Kumaichi (resumed)

25895

Direct by Mr. Blakeney

25900

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of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2014	2915		Affidavit of YAMAMOTO, Kumaichi		25901
1891	2916		Opinion of the Foreign Minister Concerning the Japanese-American Negotiations, dated 13 October 1941		25912
1401-Y-1	2917		Telegram from TOGO to Ambassador NOMURA, dated 21 October 1941		25920
1400-Z-6	2918		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - Memorandum by the Ambassador in Japan (Grew), dated Tokyo, 10 November 1941		25925
			<u>MORNING RECESS</u>		25926
1401-W-1	2919		Message from Foreign Minister TOYODA to Ambassador NOMURA, dated 17 October 1941		25939
1401-H-3	2920		Telegram from Foreign Minister TOYODA to Ambassador NOMURA, dated 28 August 1941		25943
1401-E-1	2921		Message from Ambassador NOMURA to Foreign Minister TOYODA, dated 4 August 1941		25952

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1400-W-6	2922		Excerpts from "Foreign Relations of the US Japan: 1931-1941" Vol II - Memorandum by the Ambassador in Japan (Grew), dated Tokyo, 10 October 1941		25953
1401-E-2	2923		Message from TOGO to Ambassador NOMURA, dated 6 November 1941		25957
1401-A-2	2924		Message from TOGO to Ambassador NOMURA, dated 4 November 1941		25960
1401-B-2	2925		Message from TOGO to Ambassador NOMURA, dated 4 November 1941		25964
			<u>NOON RECESS</u>		25965
1401-D-2	2926		Message from TOGO to Ambassador NOMURA, dated 5 November 1941		25971
1400-A-7	2927		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - Memorandum by the Secretary of State, Washington, dated 10 November 1941		25974

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1401-L-2	2929		Message from Ambassador NOMURA to TOGO dated 13 November 1941		25991
1401-G-2	2930		Telegram from TOGO to Ambassador NOMURA, dated 9 November 1941		25998
1401-J-2	2931		Telegram from TOGO to Ambassador NOMURA, dated 10 November 1941		25999
1401-K-2	2932		Telegram from TOGO to Ambassador NOMURA, dated 10 November 1941		26000
1401-H-2	2933		Telegram from Ambassador NOMURA to TOGO, dated 10 November 1941		26003
1401-J-3	2934		Telegram from Ambassador NOMURA to TOGO, dated 16 November 1941		26006
1400-B-7	2935		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - Oral Statement Handed by the Secretary of State to the Japanese Ambassador (NOMURA) on 12 November 1941		26014
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1400-C-7	2937		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - Oral Statement Handed by the Japanese Ambassador (NOMURA) to the Secretary of State on 17 November 1941		26023
1401-P-2	2938		Telegram from TOGO to Ambassador NOMURA, dated 17 November 1941		26025
1400-D-7	2939		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - Oral Statement Handed by the Japanese Ambassador (NOMURA) to the Secretary of State on 17 November 1941		26026
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1401-R-2	2941		Telegram from Ambassador NOMURA to TOGO, dated 21 November 1941		26028
1401-Q-2	2942		Telegram from Ambassador NOMURA to TOGO dated 17 November 1941		26032
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1401-A-3	2950		Telegram from Ambassador NOMURA to TOGO dated 28 November 1941		26056
1401-D-3	2951		Telegram from TOGO to Ambassador NOMURA, dated 3 December 1941		26059

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1401-D-3	2951		Telegram from TOGO to Ambassador NOMURA, dated 3 December 1941		26059

Friday, 15 August 1947

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE STUART McDOUGALL,
Member from the Dominion of Canada and HONORABLE
JUSTICE I. M. ZARAYANOV, Member from the USSR., not
sitting from 0930 to 1600; and HONORABLE JUSTICE LORD
PATRICK, Member from the United Kingdom of Great
Britain and HONORABLE JUSTICE E. H. NORTHCROFT, Member
from the Dominion of New Zealand, not sitting from
1330 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 Y A M A M O T O K U M A I C H I, resumed the stand
4 and testified, through Japanese interpreters,
5 as follows:

6 THE PRESIDENT: Major Moore.

7 LANGUAGE ARBITER (Major Moore): If the
8 Tribunal please, we have the following language
9 corrections. Since these have been distributed to all
10 who received the transcript, only those portions which
11 affect the record will be read at this time.

12 Exhibit 774-A, record page 7884, line 18,
13 substitute "matter" for "fact."

14 Line 23, substitute "determination" for
15 "resolution." After "refusing" insert "even."

16 Record page 7885, line 17, delete from "Now
17 that" to "determination of" and substitute "On the
18 basis that it is determined."

19 Line 18, substitute "to refuse" for "refusing."

20 Line 19, substitute "taken" for "treated."

21 Line 21, substitute "is the" for "are in a."

22 Delete "position."

23 Line 22, delete from "try" to "weave" and
24 substitute "make any specific."

25

1 Line 24, delete "on our side" and substitute
2 "problem" for "trouble."

3 Exhibit 2233, record page 16,017, line 20,
4 substitute "guiding" for "political."

5 Lines 21 and 22, delete from "are" to "Nation-
6 alism" and substitute "represents a nearer approach
7 to the spirit in which the Japanese Empire was founded."

8 Line 24, delete "do not."

9 Line 25, substitute "a very inadequate" for
10 "an adequate."

11 Record page 16,018, line 1, substitute "of"
12 for "in"; read "Americas."

13 Line 4, substitute "That may be" for "this
14 is."

15 Line 9, read "European and American economic
16 spheres."

17 Line 10, delete "out."

18 Line 11, delete "set up."

19 Line 12, delete from "an ideal" to the end of
20 the sentence, and substitute "for our ideal there must
21 be something much grander."

22 Record page 16,019, line 13, substitute
23 "presence" for "rule"; after "of" insert "the Imperial
24 Ancestress"; delete "AMATERASU OMIKAMI."

25 Line 15, after "Archipelago" read "and that

1 her," and so forth.

2 Line 16, substitute "incarnate gods" for "who
3 are the incarnation of God."

4 Line 18, substitute "whole world" for "uni-
5 verse."

6 Line 21, after "united" insert "in one family."

7 Line 22, substitute "all" for "each"; read
8 "nations"; substitute "their own proper" for "its";
9 delete "in the Sun."

10 Line 23, after "peace" insert "and security."

11 Record page 16,020, line 17, substitute "far-
12 sighted" for "philosophical."

13 Record page 16,021, lines 9 to 11, delete
14 from "Today" to "come to" and read "Furthermore, I am
15 convinced that, in this sense, now is the time to clarify
16 our national polity, proclaim it before all the world
17 and loudly."

18 THE PRESIDENT: Major Blakeney.

19 MR. BLAKENEY: If the Tribunal please, when
20 I offered yesterday to call the witness YAMAMOTO
21 Kumaichi, who is now for some reason in the box, cer-
22 tain reservations to his testimony were made on behalf
23 of two defendants. I am now told that upon condition
24 of my making certain deletions, which have been agreed
25 upon from the affidavit, that reservation will be with-

1 drawn. Whether there will then be reservations
2 presented from other defendants I am unable to state
3 and they will have to speak for themselves; but I
4 think there will be none, and that the witness will
5 therefore stand as the witness of all defendants in-
6 terested in the question. The remaining subject matter
7 of this sub-division can therefore be presented to the
8 Tribunal as planned in this general phase instead of
9 being postponed to the individual phases. In order
10 that there shall be no misunderstanding, I shall state
11 precisely the deletions proposed from the affidavit
12 and will let counsel who made reservations yesterday
13 state whether he now withdraws them.

14 THE PRESIDENT: Discuss it privately with the
15 counsel concerned. Until the affidavit is tendered
16 we are not supposed to know what is in it, nor are you
17 at liberty to read it.

18 MR. BLAKENEY: I am quite confident that
19 agreement has been reached with the counsel in ques-
20 tion.

21 THE PRESIDENT: Copies of the affidavit
22 have been served on counsel for all the accused, I
23 take it, Major Blakeney? Only those particular counsel
24 are objecting, and you are meeting their objections
25 by deleting the material they object to. With that

1 material deleted you may re-tender the affidavit,
2 subject to any further objections from the prosecution.

3 MR. BLAKENEY: I am afraid, however, your
4 Honor, that until such time as I can state publicly
5 the deletions proposed, other counsel will not be in
6 a position to say whether they are now satisfied.

7 THE PRESIDENT: Other counsel have no objec-
8 tion to the affidavit as it stands. Could it be that
9 in some remote contingency they will object to it if
10 some part is deleted? That is hardly likely having
11 regard to the nature of the subject matter. It would
12 if the matter deleted altered the nature of the subject
13 matter or changed its import. I think you had better
14 take the risk and re-tender the affidavit. It is a
15 matter for you.
16

17 MR. BLAKENEY: Very well. The affidavit has
18 never actually been tendered yet, of course.

19 THE PRESIDENT: I have already told you,
20 clearly enough I thought, to delete the parts that
21 you had agreed to delete before you re-tender it.

22 MR. BLAKENEY: I said that I would, but it
23 has never actually been tendered yet. I haven't asked
24 the witness' name yet.
25

1 DIRECT EXAMINATION

2 BY MR. BLAKENEY (Continued):

3 Q State your name, please, Mr. Witness.

4 A YAMAMOTO, Kumaichi.

5 Q State your residence, please.

6 A No. 9, Shimiumachi 3, Setagayaku, Tokyo.

7 Q I ask that the witness be handed defense
8 document 2014.9 (Whereupon, a document was handed to
10 the witness.)11 MR. BLAKENEY: Please give him a copy
12 of the English also, Mr. Marshal.13 (Whereupon, another document was handed
14 to the witness.)15 Q Mr. Witness, I am proposing to delete from
16 this document, on page 2 of the English, paragraph 3,
17 lines 7 and 8, the words "and the Naval General Staff."
18 Please compare the two copies and note that change in
19 your Japanese copy.
2021 Also in line 7 I delete the "s" from the word
22 "chiefs" so that it stands in the singular "chief."

23 Have you made that correction?

24 A Yes, I have.
25

1 Q Then please turn to section 21 of the
2 affidavit, which in the English version is on
3 page 11, and delete the passage commencing in
4 line 3 of the second paragraph thereof, commenc-
5 ing with the words "Admiral ITO" and continuing
6 to the word "attack" at the end of the sentence.
7 And in the following sentence, which appears in
8 line 8 of the paragraph, delete the words
9 "however, opposed this, saying" and insert the
10 word "said."

11 Have you made that correction?

12 A Yes, I have.

13 Q Now I ask you, Mr. Witness, whether the
14 document as so amended -- whether the document is
15 your affidavit, signed and sealed by you?

16 THE PRESIDENT: Having been amended, it
17 should be resworn, but we need not insist on that
18 formality. It is sufficient if he swears to the
19 contents of the amended document.

20 A I swear that the contents of the affidavit
21 as amended are true.

22 MR. BLAKENEY: I offer in evidence the
23 affidavit, defense document 2014.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Defense document 2014

1 will receive exhibit No. 2915.

2 (Whereupon, the document above
3 referred to was marked defense exhibit
4 No. 2915 and received in evidence.)

5 MR. TAVENNER: If the Tribunal please,
6 I am sorry; I was talking. I desire to make one
7 objection. May I be permitted to do so?

8 THE PRESIDENT: I waited, Mr. Tavenner,
9 but go ahead. What do you object to?

10 MR. TAVENNER: If the Tribunal please, I
11 desire to object to section 15 of the affidavit,
12 beginning at the bottom of page 7 and extending
13 to the middle of page 8. In this portion of the
14 affidavit the witness seeks to compare prosecution
15 exhibits 1164, 1165 and 1170 with certain original
16 telegrams of the Foreign Minister, which original
17 telegrams are not produced.

18 THE PRESIDENT: He should be satisfied to
19 produce the originals and let us make any com-
20 parisons.

21 MR. TAVENNER: That is the point, your
22 Honor, that I desire to make, but there is an
23 additional explanation which I should make to the
24 Tribunal regarding that matter.

25 At the time that the intercepted messages

1 mentioned, 1164, 1165 and 1170, were introduced
2 by the prosecution, instructions were given to make
3 a careful search for the original telegrams, with
4 the view to presenting to the Tribunal the originals
5 rather than the intercepted messages. Some
6 originals were obtained and were introduced rather
7 than to introduce the intercepted messages.

8 When this matter came up yesterday after-
9 noon, I requested that a careful search be made of
10 our own prosecution's files, and to my complete
11 surprise I was advised while the witness was in
12 the box that three originals had been discovered
13 in the prosecution's files. In view of that
14 situation, I of course will tender those original
15 telegrams.

16 THE PRESIDENT: That is an ugly situation,
17 in view of what is suggested about the originals
18 and the copies you tendered.

19 MR. TAVENNER: I would call to the
20 Tribunal's attention that the intercepted messages
21 are not copies of the original telegrams.

22 THE PRESIDENT: Mr. Tavenner, there is no
23 need for you to give any further explanation.

24 MR. TAVENNER: Will we be permitted to
25 tender the original telegrams? We will have them

1 processed and served under the rule of the Tribunal.

2 THE PRESIDENT: As they are not rebutting
3 evidence, I cannot tell you. You ought to wait
4 until rebuttal, but as we should have the originals
5 I think it is the duty of the Court to ask for
6 them even in the course of the defense case. I
7 understand there is no question about these being
8 the originals?

9 MR. TAVENNER: That is precisely the
10 reason, your Honor, why we felt we should present
11 the originals now, as soon as it came to our
12 attention that they had not been presented in the
13 first instance, and we take the position that with
14 the originals available, this section of the
15 affidavit is objectionable because the witness
16 is attempting to construe the documents himself
17 and make the comparison, where that is a matter
18 in the province of the Tribunal.

19 MR. BLAKENEY: I should point out to the
20 Tribunal that in one or two instances -- my memory
21 is not accurate -- we are tendering already the
22 original telegrams.

23 THE PRESIDENT: How can you, if the prosecu-
24 tion has the custody of them? It is unheard of
25 for the prosecution to tender documents in its

1 custody to the defense to be tendered to the
2 court. The prosecution does it itself.

3 MR. BLAKENEY: That is, we are of course
4 not tendering the original in the custody of the
5 prosecution, but a certified copy thereof, from
6 the Foreign Ministry.

7 THE PRESIDENT: Let the prosecution, as
8 custodian of the originals, do the tendering.

9 MR. TAVENNER: If the Tribunal please,
10 I feel reasonably certain that counsel is mis-
11 taken about the tendering or presentation of a copy
12 of these particular telegrams. There is no mention
13 of the tendering of such in the affidavit, and we
14 have not discovered copies of them on the order
15 list of their documents. If counsel will refer
16 us to the order number of the documents which are
17 the counterpart of these mentioned, we will be
18 very glad to compare them, and if they are correct
19 there is no need for the prosecution tendering
20 anything.

21 THE PRESIDENT: If the defense have
22 certified copies and you are satisfied with them,
23 Mr. Tavenner, let the defense tender the certified
24 copies.

25 MR. BLAKENEY: If counsel will look at

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1 defense document 1401-B-2 he will find the trans-
2 lation of the original document of which one of
3 his three exhibits purports to be the translation
4 of the intercept.

5 In a recess I will be glad to investigate
6 the matter and advise counsel of any other docu-
7 ments which are in the same condition. I think
8 there are others.

9 MR. TAVENNER: That number appears on a
10 revised order list. We will examine it.

11 THE PRESIDENT: How much of this paragraph
12 in the affidavit are you challenging?

13 MR. TAVENNER: The entire paragraph.

14 THE PRESIDENT: That encroaches on our
15 province. That is not his province. We have to
16 make the comparisons and draw the inferences.

17 MR. TAVENNER: By "entire paragraph" I
18 meant the entire section numbered 15 which deals
19 with several paragraphs.

20 MR. BLAKENEY: In drawing the affidavit I
21 attempted to avoid having the witness invade the
22 province of the Tribunal.

23 THE PRESIDENT: Evidently he did not take
24 any notice of you because he says here, "Finally,
25 in Section 3 of the "explanation" of the intercepted

1 version there is language evidencing an intention
2 to trick the United States by forms of words." We
3 must decide that. That is all that seems to be
4 objectionable.

5 MR. BLAKENEY: That, of course, was intended
6 to be explanatory of what follows where the witness
7 testifies from his own knowledge of what went on in
8 the Liaison Conference and the Foreign Ministry, and
9 while, of course, the Tribunal makes the comparison,
10 I should point out that this man is speaking as the
11 one responsible, not as author but as reviser and
12 approver of these messages, and is attempting to speak
13 of what was intended by him in sending them. While,
14 of course, his opinion of the intention in the inter-
15 cepted messages which he never sent and never saw
16 is wholly immaterial, his opinion of the intention
17 of the messages which he did send, I submit, may be
18 of some assistance to the Tribunal in drawing the
19 comparison itself.

20 THE PRESIDENT: The certified copies of the
21 original telegrams are sufficient. The objection is
22 sustained. The document is admitted subject to that.

23 MR. BLAKENEY: I read the affidavit, omitting
24 the formal parts:

25 "1. I have served in the Japanese Foreign

1 Ministry since March 1920. I was appointed Director
2 of the Bureau of East Asiatic Affairs of that
3 ministry on 2 September 1940, and was appointed con-
4 currently Director of the Bureau of American Affairs
5 on 28 October 1941. On 18 September 1942 I became
6 Vice-Minister of Foreign Affairs, and held these
7 three offices concurrently until on 1 November 1942
8 I was appointed Vice-Minister for Greater East Asia.

9 "As Director of the Bureau of East Asiatic
10 Affairs, I often attended, during the third KONOE
11 Ministry, the Liaison Conferences between the govern-
12 ment and the High Command; on these occasions it was
13 my function, as the Foreign Ministry official concerned
14 with China problems, to make explanation when such
15 problems came before the Liaison Conference for dis-
16 cussion. After the formation of the TOJO cabinet,
17 as Director of the two Bureaus of East Asiatic and
18 American Affairs, I always attended the Liaison Confer-
19 ences, giving explanation concerning various questions
20 involved in the Japanese-American negotiations. Since
21 all important points of policy in connection with the
22 negotiations were decided in the Liaison Conference--
23 most of the diplomatic telegrams, including all im-
24 portant ones, being sent to the Army and Navy Ministries
25 and General Staffs--since the Foreign Minister,

1 especially after the formation of the TOJO ministry,
2 consulted me frequently on the subjects involved in
3 the negotiations; since the meetings with the military
4 bureau directors concerned with the negotiations were
5 always held by me; and since our telegrams of instruc-
6 tion to the Washington Embassy were usually drafted
7 by the Bureau of American Affairs in conformity with
8 the decisions of the Liaison Conference and the in-
9 structions of the Foreign Minister, I was thoroughly
10 familiar, especially after the formation of the TOJO
11 cabinet, with the details of the Japanese-American
12 negotiations. I thus make the following statement
13 upon the basis of personal knowledge, of matters
14 which I officially managed or which were told to me
15 directly in the course of my official business.
16

17 "Attitude of the TOJO Cabinet toward the

18 "Japanese-American Negotiations

19 "2. In October 1941 I was told by Foreign
20 Minister TOYODA that War Minister TOJO had upon the
21 demand of the High Command made a strong request to
22 Premier KONOE and the Foreign Minister to present by
23 the 15th or thereabouts their opinions on the pending
24 problems of the Japanese-American negotiations, and
25 especially on the question of the stationing of
~~Japanese troops in China.~~ I was ordered by the Foreign

1 Minister to draft his opinion for this purpose, and
2 I accordingly took considerable pains in drawing up
3 the 'Opinion of the Foreign Minister Concerning the
4 Japanese-American Negotiations,' defense document No.
5 1891," which I wish at this time to offer in evidence.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: If the Tribunal please, in
8 view of this statement that this is an opinion prepared
9 by this witness of the views of the Foreign Ministry
10 I think it is objectionable as opinion matter.

11 THE PRESIDENT: It is not an attempt, of
12 course, to form our conclusions for us; it is not that
13 type of opinion.

14 MR. BLAKENEY: That is right.

15 THE PRESIDENT: It is a step in the negotia-
16 tions, as one of my colleagues put it the other day,
17 but was it not adopted in toto by the Prime Minister
18 and given in evidence?

19 MR. BLAKENEY: No, sir, that is not quite
20 the situation. This document or the contents thereof,
21 as the Foreign Minister's opinion, has not been given
22 in evidence. Prince KONOYE did state that the Foreign
23 Minister gave his opinion and he may have summarized
24 it in a few lines.

25 THE PRESIDENT: This is only evidence of the

1 fact that the witness drafted the opinion of the
2 Prime Minister and Foreign Minister. It is not ob-
3 jectionable as opinion but it may be irrelevant and
4 immaterial. We are not concerned with any difference
5 between the witness and his chiefs.

6 MR. BLAKENEY: There is no such question
7 as that, your Honor. This document is intended, as
8 will be shown by reading the sentence which follows
9 in the affidavit, as an explanation of how and why
10 the negotiations were carried on at that time.

11 MR. TAVENNER: May I clarify the statement
12 that I made a moment ago about opinion? This is not
13 a part of the negotiations with the United States.
14 This is a statement by this witness in which he is
15 attempting to put into the mouth of the Foreign
16 Minister his statements and conclusions but it is
17 certainly not a part of the diplomatic negotiations
18 with the United States.

19 MR. BLAKENEY: In answer to counsel's second
20 argument, of course, the witness is not trying to
21 put words in anybody's mouth. This document is an
22 official document entitled "Opinion of the Foreign
23 Minister" adopted by him and promulgated as his opin-
24 ion.
25

THE PRESIDENT: The objection is overruled

and the document admitted on the usual terms.

1 CLERK OF THE COURT: Defense document
2 1891 will receive exhibit No. 2916.
3

4 (Whereupon, the document above
5 referred to was marked defense exhibit
6 No. 2916 and received in evidence.)

7 MR. BLAKENEY: I shall read the exhibit:

8 "Opinion of the Foreign Minister Concerning
9 the Japanese-American Negotiations.

10 "(13 October 1941)

11 "In view of the attitude of the United States
12 and the development of the previous negotiations,
13 there is no prospect for the success of the Japanese-
14 American negotiations so long as we insist on our
15 proposals of 6 and 25 September. However, if the
16 Government on the one hand allows me to continue
17 negotiations in accordance with the following new
18 revised proposal, and on the other cautiously and
19 properly handles the situation through appropriate
20 measures both internal and external, I will do all
21 that I can to achieve diplomatic success without sub-
22 stantially affecting various policies centering around
23 the problem of stationing of troops and without im-
24 pairing the achievement of the China Affair.
25

"It is my conviction that the establishment

1 of the New Order in East Asia, which is the founda-
2 tion of our national policy, should by all means be
3 pursued through peaceful measures--that is, to begin
4 with the adjustment of Japanese-American relations,
5 to solve the China Affair, to establish the East Asia
6 Coprosperity Sphere, and to realize the stability
7 of the Pacific; that this is the most appropriate
8 and effective measure for achieving our purpose; and
9 that we should consider resort to a solution by force,
10 in the present circumstances both within and outside
11 the country, only if we are forced to do so for the
12 sake of our self-defense.

13 "1. There is no prospect of the success of
14 the Japanese-American negotiations on the basis of
15 our previous proposals.

16 "It is observed from the assertions made and
17 the attitude maintained by the United States in the
18 past that she entertains doubt and apprehension of the
19 ability of the Japanese Government to effect internal
20 control and of its intention to pursue its external
21 policy through peaceful means. This is why she
22 attaches importance, among the problems included in
23 the concrete proposals, to the question of stationing
24 and withdrawal of troops in China and French Indo-China,
25 and requests clarification of the intention of the

Japanese Government with respect to this question.

1 It is observed that the United States will not agree
2 to conclude the negotiations unless and until she
3 obtains assurance that the policy of Japan on this
4 question conforms to the four principles which the
5 United States affirms, and that they will be put
6 into practice. Consequently, there is no prospect
7 for the success of the negotiations unless such
8 doubt and apprehension of the United States are
9 cleared away, and proposals at once more clear and
10 closer to the American assertions are put forward
11 regarding the stationing of troops and other problems.
12

13 "2. There is a possibility of the success
14 of the negotiations if the following concrete pro-
15 posals be adopted with respect to the problem of
16 stationing of troops and various policies entering
17 around it, as well as with respect to the trend both
18 within and outside the country, and if the execution
19 thereof is secured.

20 "(1) To cease further reinforcement of
21 French Indo-China and to refrain from any action which
22 will cause suspicion that Japan entertains territorial
23 aspirations in that area or that she is intending
24 further advance by force therefrom into neighboring
25 areas.

1 "(2) The contentions of the United States
2 regarding the question of stationing of troops in
3 China and withdrawal therefrom are, that (a) the
4 question of withdrawal is confused by that of
5 stationing, and the period of withdrawal is not
6 clearly shown; that (b) to include provisions con-
7 cerning stationing of troops in the peace conditions
8 is contradictory to the concept of withdrawal of
9 troops and of peace settlement, and that she cannot
10 approve it as it is sharply in conflict with the
11 four principles; and that (c) she does not approve
12 of indefinite stationing of troops whatever the
13 reasons may be. In view of the above, understanding
14 is sought from the United States in accordance with
15 the following form and provisions, and question of
16 stationing of troops to be excluded from the peace
17 conditions and carried in secret protocol or record.

18 "Provisions:

19 "'The Japanese troops dispatched to China
20 in connection with the China Affair will be withdrawn
21 in accordance with agreement to be entered into be-
22 tween Japan and China and following restoration of
23 peace between them, and the withdrawal will be com-
24 pleted within two years at the latest.

25 "'In accordance with the agreement to be

1 entered into between Japan and China upon restora-
2 tion of peace between them, Japanese troops will be
3 stationed for a period of five years in a part of
4 North China and Mengchiang, as well as Hainan Island,
5 for the purpose of maintaining order after restora-
6 tion of peace and of cooperation with China for her
7 reconstruction. At the end of that period it may
8 be extended further in consideration of the actual
9 situation on the spot and in accordance with consulta-
10 tion between Japan and China.'

11 "(3) The following provisions are to be
12 offered with respect to the question of stationing
13 of troops in French Indo-China and withdrawal there-
14 from, as it is observed that the United States is
15 suspicious that Japan entertains territorial aspira-
16 tions toward French Indo-China and intends to make
17 it a base for further advance by force into neighbor-
18 ing areas.

19 "'The Japanese Government respects the
20 territorial integrity of French Indo-China. The
21 Japanese troops which have been dispatched thereto
22 will be withdrawn upon the termination of the situation
23 which necessitates joint defense, and the withdrawal
24 will not be delayed until the conclusion of the China
25 Affair.

1 " 'In line with the foregoing provision, the
2 Japanese Government is ready to consider, upon the
3 conclusion of a Japanese-American arrangement,
4 revision of the provisions in the agreement between
5 Japan and French Indo-China concerning stationing of
6 troops.'

7 "(4) Actions within Japan should be under
8 strict control so that there will be no incidents
9 contradictory to the Government policy or prejudicial
10 to the Japanese-American negotiations.

11 "3. Our national policy should by all
12 means be pursued through peaceful means, and we
13 should not resort to solution by force, in view of
14 present circumstances both within and without the
15 country.

16 "To resort to force on our own initiative
17 in pursuing our national policy at this time is not
18 only contradictory to the fundamental principle of
19 our diplomacy, but does not contribute to the achieve-
20 ment of our objectives, in view of the domestic
21 situation in Japan, the present state of the China
22 Affair, and the prospect of the outcome of the
23 European war. For effectuation of the policy we have
24 pursued in Manchuria, China and French Indo-China,
25 it is absolutely necessary in the establishment of

1 the Co-prosperity Sphere to utilize peaceful means,
2 that is to concentrate our efforts on the adjustment
3 of Japanese-American relations. The fundamental
4 principle of our diplomacy as well as our own duty
5 is, in my conviction, to relegate solution by force
6 strictly to the sphere of self-defense."

MR. BLAKENEY: Resuming the affidavit:

1 "I was later told by Foreign Minister TOYODA
2 that this document had been presented to the Premier
3 and the War Minister.
4

5 "On 16 October the KONOE Cabinet resigned,
6 and on the 18th the TOJO Cabinet was formed, with
7 Mr. TOGO becoming Foreign Minister. Mr. TOGO told
8 me at the time that, when offered the Foreign port-
9 folio by General TOJO, he had rejected it on the
10 ground that, so long as the Army clung to its old
11 attitude, especially on the question of stationing
12 troops in China, the successful conclusion of the
13 Japanese-American negotiations was hopeless, and it
14 would be meaningless for him to become Foreign
15 Minister. After exchange of opinions, however,
16 he said, he had at last accepted the offer upon
17 General TOJO'S promise that his cabinet would, in
18 obedience to the Imperial command (Exhibit 1154),
19 strive for successful conclusion of the negotia-
20 tions by undertaking reconsideration of the various
21 unsettled questions, including that of the stationing
22 of troops, without being bound by the Imperial Confer-
23 ence decision of 6 September and Ambassador NOMURA
24 in Washington was accordingly notified that nego-
25 tiations would continue (defense document No. 1401-

1 Y-1)"-- which is offered in evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Defense document 1401-

4 Y-1 will receive Exhibit No. 2917.

5 (Whereupon the document above re-
6 ferred to was marked Exhibit No. 2917, and
7 received in evidence.)

8 MR. BLAKENEY: I read the exhibit:

9 "From TOGO to NOMURA. 21 October 1941.

10 "In reference to your telegram No. 966.

11 "The Cabinet having just been formed, de-
12 tailed instructions concerning the points you refer
13 to will subsequently be telegraphed. The new Cabinet
14 is one with its predecessor in its intense desire
15 for the adjustment of Japanese-American relations
16 on a fair basis. As our opinion and assertions
17 have almost all been revealed in the past negotiat-
18 ions, we are in a position in which we maintain a
19 firm attitude and wait for reconsideration on the
20 part of the United States. It is directed that
21 you should, either yourself or through WAKASUGI,
22 properly suggest to the United States that we can
23 not afford to spend too much time in the negotiations,
24 and continue the negotiations with emphasis on ob-
25 taining the American counter-proposal to our pro-

1 posal of 25 September."

2 Continuing the affidavit:

3 "This intention of the new government was confirmed
4 by Premier TOJO, who in the opening address at the
5 first meeting of the Liaison Conference after the
6 formation of his ministry said that the policy of the
7 new cabinet would be to reconsider the problem with-
8 out being bound by the decision of 6 September, and
9 asked the agreement thereto of the representatives
10 of the High Command, which was given.

11 "Liaison Conferences to the Imperial
12 Conference of 5 November.

13 "3. Thereafter, Liaison Conferences were
14 held almost daily from around 23 October to early
15 November. Debates over the Japanese-American negoti-
16 ations and the question of peace or war occupied
17 these meetings, much difference of opinion and
18 thorough discussion occurring. Foreign Minister
19 TOGO always insisted that it was necessary to succeed
20 in the negotiations; the contention of the High Com-
21 mand, voiced by the Chief of the Army General Staff"--
22 we omit a phrase here -- "was that concessions con-
23 cerning the stationing of troops in China must ab-
24 solutely not be made, and that there being almost
25 no room left us for concession from the decision of

1 6 September, we should in the circumstances even
2 accept the opening of hostilities at that time.
3 The Foreign Minister vigorously rejected this
4 contention; and I remember that Premier TOJO reproved
5 the Vice-Chief of the Army General Staff, and repeat-
6 ed his words to the opening Conference, mentioned
7 above, to the effect that reconsideration would be
8 given by the Liaison Conference, without being bound
9 by the decision of 6 September.

10 "4. At the almost daily Liaison Conference
11 meetings held from 23 October into early November
12 study was given to the situation in the light of
13 conditions in Japan and abroad, and the national
14 policy to be adopted was discussed. The subjects
15 discussed are those mentioned in Exhibit 1,328 herein.
16 As the result of those discussions and studies,
17 substantially the following conclusions were reach-
18 ed at the meeting of 1-2 November:

19 a) to work for the successful conclusion of
20 the Japanese-American negotiations, specifically on
21 the basis of Proposals "A" and "B", referred to in
22 detail hereafter;

23 b) to make a decision for war against
24 America for self-preservation and self-defense,
25 should the negotiations fail in spite of the

1 diplomatic efforts mentioned above;

2 c) to make efforts to complete preparation
3 for military operations, in view of these conditions,
4 against eventualities; provided, however, that such
5 preparations would be stopped immediately if a settle-
6 ment were reached through Japanese-American negotia-
7 tions.

8 In short, it was intended to make the utmost possible
9 concessions in order to adjust relations between
10 Japan and America with a view to maintaining peace
11 in the Pacific, but at the same time to make prep-
12 aration for military operations in self-defense, in
13 view of the conditions -- exhaustion of Japanese
14 resources and encirclement of Japan, military and
15 economic, by other powers.

16 "5. Before the reaching of the conclusion
17 above mentioned, there had been various discussions
18 and debates in the meetings of the Conference. The
19 General Staff had maintained the position which
20 they had adopted theretofore, that there was no
21 hope of a successful conclusion of the Japanese-
22 American negotiations, and insisted that, since
23 they believed war to be inevitable, it was necess-
24 ary to commence it during November. In support of
25 their argument, they pointed out that in July

1 President Roosevelt had told Ambassador NOMURA
2 that he had refrained from placing an embargo on
3 petroleum shipment to Japan, in spite of strong
4 public opinion supporting such action, on the ground
5 that it would not make for maintaining the peace of
6 the Pacific, but that now he had lost his ground
7 for that argument; thus revealing his intention
8 of subjugating Japan by imposition of the embargo
9 even at the risk of war in the Pacific. Further,
10 they argued, America had never made concessions or
11 shown a conciliatory attitude in the negotiations.
12 Against this opinion, the Foreign Minister contended
13 most earnestly that it was necessary to exert the
14 utmost efforts for conclusion of the negotiations
15 in order to achieve a peaceful settlement, and at
16 last was able to persuade the Conference to adopt
17 the decision to continue the negotiations. His urg-
18 ing of the reconsideration of the conditions contain-
19 ed in the decision of 6 September, including the
20 question of the stationing of troops -- most difficult
21 of all the difficult problems -- resulted in the
22 decision to present Proposals "A" and "B", which
23 were considered by the Liaison Conference to repre-
24 sent the utmost possible concessions which could be
25 made. I shall now explain in detail concerning these
two proposals.

1 "6. The important pending questions in the
2 Japanese-American negotiations were the stationing of
3 Japanese troops in China, the application to China
4 of the principle of commercial non-discrimination,
5 and the Tripartite Pact question, as well as ques-
6 tions arising from the entry of Japanese troops into
7 Southern French Indo-China. Of these, it was consid-
8 ered in Japan, in the light of the telegrams received
9 from Ambassador NOMURA, that the American Government
10 understood the intention of Japan in regard to the
11 questions of the Tripartite Pact and non-discrimin-
12 ation in commerce, and that these could accordingly
13 be settled on that basis (defense document No.
14 1400-Z-6)" -- which I offer in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Defense document 1400-
17 Z-6 will receive Exhibit Number 2918.

18 (Whereupon the document referred to
19 was marked Exhibit No. 2918 and received in
20 evidence.)

21 THE PRESIDENT: Do you propose to read
22 all of this, Mr. Blakeney?

23 MR. BLAKENEY: Yes sir, I do. I think it
24 is quite important.

25 THE PRESIDENT: We will recess for fifteen

1 minutes.

2
3 (Whereupon, at 1045, a recess was
4 taken until 1100, after which the proceed-
5 ings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Blakeney.

4 MR. BLAKENEY: Before proceeding with the
5 exhibit, I should like to point out, if I may, what
6 I overlooked to say in the confusion this morning, that
7 the deletion made on page 2 of the affidavit was a
8 correction which had already been made by the witness
9 himself in the original document.

10 I wish to state also that I have ascertained
11 that of the exhibits mentioned in paragraph 15, now
12 stricken from the affidavit, the three mentioned by
13 number are all on my order of proof in their original
14 forms. Exhibit 1164 appears in its original form as
15 defense document 1401-A-2; exhibit 1165 as defense
16 document 1401-B-2, and exhibit 1170 as defense docu-
17 ment 1401-D-2.

18 I now continue with the reading of exhibit
19 2918, which is a memorandum by the Ambassador in
20 Japan, Grew, excerpted from Foreign Relations of the
21 United States, dated Tokyo, 10 November 1941.

22 "The Foreign Minister recalled the conversation
23 which he had had with me on October 30, when he said
24 that he was firmly of the opinion that the maintenance
25 of friendly relations between the United States and

1 Japan was a practicable proposition. He went on to
2 say that he had given constant thought to this matter
3 and that he had determined to put forward every effort
4 to re-establish relations between the two countries
5 on a friendly basis and to maintain peace in the Paci-
6 fic. It was the purpose of the present Cabinet to
7 continue with the project of establishing a 'Greater
8 East Asia' as a contribution toward world peace.

9 Mr. TOGO said that ever since he has assumed office
10 he had been intensively studying the documents relating
11 to the conversations which have thus far taken place.
12 Fresh proposals had been formulated and had been sent
13 to Admiral NOMURA, who had been instructed to enter
14 into negotiations with the President and the Secretary
15 of State. I interrupted the Foreign Minister to say
16 that our Government had been careful to emphasize that
17 it was engaged in 'preliminary and exploratory conver-
18 sations' with the Japanese Government. Mr. TOGO replied
19 that he was well aware of that fact, but that he wondered
20 whether the time had not come to enter into formal and
21 official negotiations. However, he said that he did
22 not wish to press the point.
23

24 "Mr. TOGO went on to say that only recently
25 Mr. KURUSU had been despatched to Washington to assist
Admiral NOMURA in conducting the conversations. He

1 recalled in this connection that he had asked me to
2 facilitate Mr. KURUSU's journey to the United States,
3 and that the American Government and I had responded
4 in a manner which was most gratifying. He said that
5 it was everywhere known in Japan that I had striven
6 to promote friendly relations between our two countries
7 and that my efforts in this regard were highly appre-
8 ciated throughout the country. He intended on his
9 part to spare no effort to cooperate with me with a
10 view to opening up a way for the solution of the prob-
11 lems confronting the two countries which would be
12 mutually acceptable.

13 "What he most keenly felt, the Foreign
14 Minister continued, from reviewing the documents re-
15 cording conversations which have thus far taken place
16 was that the knowledge and appreciation of the United
17 States with regard to the realities of the situation
18 in the Far East are unfortunately inadequate. Although
19 Mr. Hull had admitted that Japan is a stabilizing force
20 in the Far East, the position taken by the United States
21 throughout the conversations had not been in harmony
22 with that fact. Unless the American Government should
23 take full cognizance of the fact that Japan has been
24 engaged in hostilities with China for four and a half
25 years, then the admission of Japan's being a stabilizing

1 force in the Far East would have in actuality no
2 meaning. Mr. TOGO said that Mr. Hull, in a conver-
3 sation with Mr. WAKASUGI on October 16, recalled that
4 he had told former Ambassador SAITO that he recognized
5 Japan as a stabilizing force and would be prepared to
6 express such recognition in an official manner. The
7 Minister went on to say that the population of this
8 country is steadily and rapidly increasing; it was now
9 about one hundred million; and it was necessary to
10 assure raw materials necessary for their existence.
11 It was his opinion that unless the American Government
12 realizes this fact as among the realities of the si-
13 tuation, successful conclusion to the conversations
14 would be difficult. During the conversations carried
15 on for a period of more than six months, the Japanese
16 Government had repeatedly made proposals calculated to
17 approach the American point of view, but the American
18 Government for its part had taken no step toward meet-
19 ing the Japanese position and had yielded nothing --
20 it had perhaps taken a more advanced position. Those
21 being the facts, 'we in Japan are led to wonder what
22 is the degree of sincerity of the American Government
23 in continuing with the conversations.' He said that
24 national sentiment will not tolerate further protracted
25 delay in arriving at some conclusion. Referring to the

fact that the Diet is shortly to meet, he emphasized that the position is daily becoming more pressing. He expressed the hope that the American Government would take a statesmanlike position and view the problems to be resolved from the broadest possible viewpoint that it would try to settle these problems 'with one sweep.' It was his opinion that otherwise the prospects of overcoming the present difficulties would be small.

"The Foreign Minister went on to say that Japan had already made what were believed to have been the greatest possible concessions. However, the position had been examined by the new cabinet and the new proposal now being made comprises the maximum possible concessions by Japan. The Minister at this point handed me two pieces of paper (attached hereto) which he described as the new Japanese proposals, and he said that he wished to make two observations as follows:

"1. The new Japanese draft corresponds to the American draft of June 21. It contains the elements of the proposals put forward in the Japanese documents of September 6 and 25, with modifications to meet as far as possible the American positions as set forth in the American memorandum of October 2.

"2. The Japanese draft of September 25 was largely based on the American draft of June 21. In the

1 Foreign Minister's opinion it contains many unsatis-
2 factory features with regard to both text and substance.
3 However, to expedite the conversations, the Minister
4 had decided to make use of that draft as a basis for a
5 fresh start. He reiterated that this new proposal
6 includes the maximum concessions.

7 "By way of commentary he said:

8 "(a) With regard to the attitudes of the
9 American and Japanese Governments towards the European
10 war, it is the understanding of the Japanese Government
11 that there has been an agreement of views based on
12 the Japanese draft of September 25;

13 "(b) With regard to the question of non-
14 discrimination in economic matters, it is the belief of
15 the Japanese Government that its new proposal adequately
16 covers the desires of the American Government;

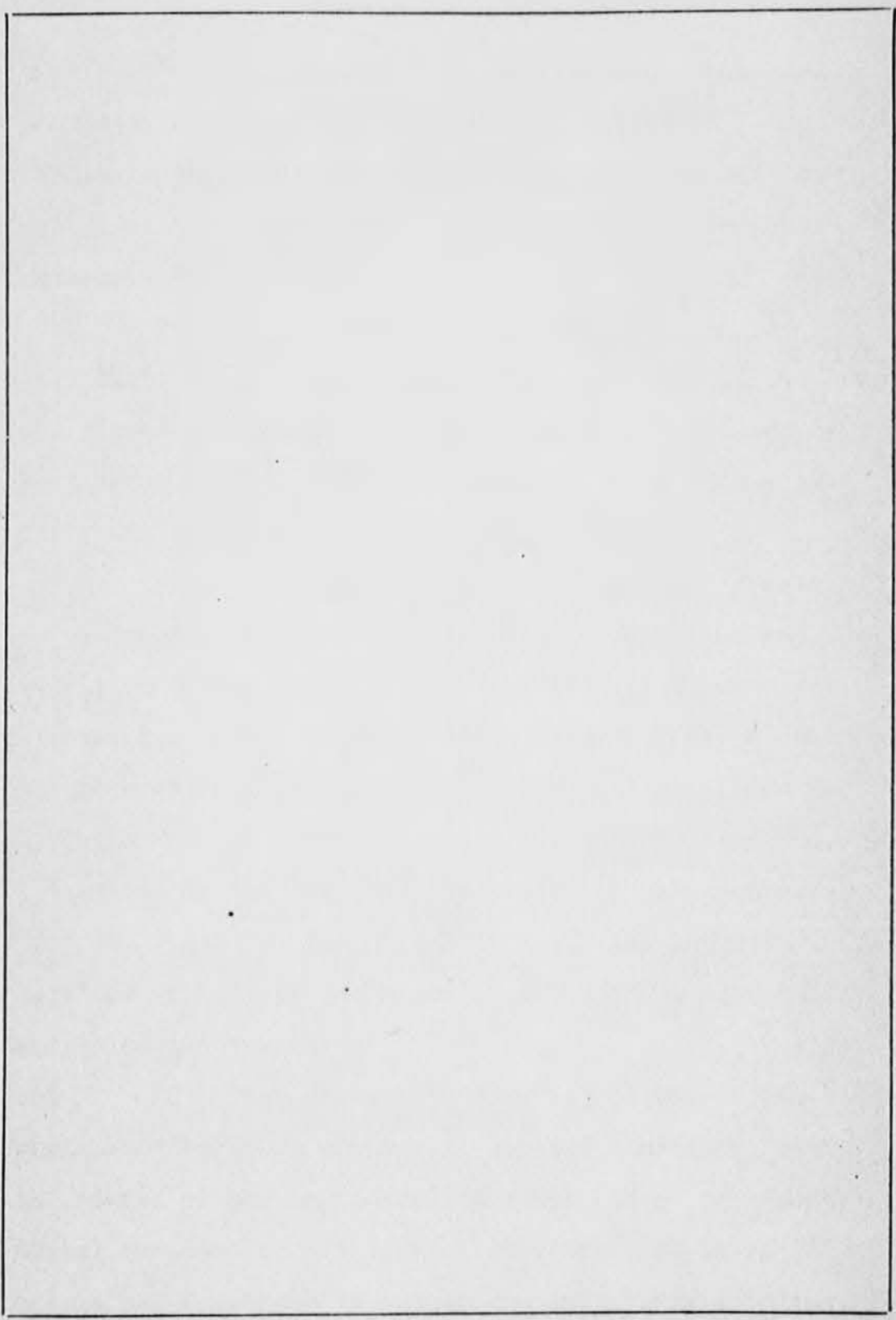
17 "(c) With regard to the stationing in and
18 withdrawal of troops from China, which have been the
19 greatest obstacle in bringing the conversations to a
20 successful end, the Japanese Government has, notwith-
21 standing grave domestic difficulties, made a further and
22 what must be regarded as the maximum possible concession.
23 The Japanese Government believes that the American
24 Government will appreciate this further manifestation
25 of Japan's desire to come to an amicable settlement

1 with the United States:

2 "(d) Mr. Hull has intimated that he has
3 already consulted the British Government with regard
4 to the conversations and that he proposes to continue
5 such consultation. British interests in the Far East
6 are admittedly large and would be deeply affected by
7 matters now under discussions between the United States
8 and Japan. The Foreign Minister regards it as necessary
9 that in the event of the sought-for agreement being
10 reached between the United States and Japan there
11 should simultaneously be concluded a similar instru-
12 ment between Japan and Great Britain. The Foreign
13 Minister expressed the hope that the American Govern-
14 ment will persuade the British Government to agree to
15 such simultaneous signature.

16 "The Minister concluded his observations by
17 repeating that he solicited my cooperation to bring
18 about a speedy and satisfactory end to the negotiations.
19 He referred to the question of conversations being
20 carried on in Tokyo paralleling those taking place in
21 Washington, which was touched on at our last meeting.
22 The Minister said that he had no intention of merely
23 duplicating here what would be said in Washington.
24 He believed that there would be no objection on the part
25 of the American Government to holding parallel

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1 conversations in Tokyo, but in his view such parallel
2 conversations should be designed to supplement
3 exchanges in Washington of information and of opinion
4 with a view to expediting the progress of the conver-
5 sations.

6 "At the end of the Minister's presentation I
7 said that I had no authority to debate the questions
8 approached by the Minister which would be discussed in
9 Washington but that I wished to raise three points as
10 pertinent to those discussions, as follows:

11 "(1) In connection with the Minister's ob-
12 servation that my Government does not understand the
13 realities of the situation in the Far East I ventured
14 to disagree on the ground that the American Government
15 had been given a perfectly clear conception of the
16 situation and its various factors by this Embassy and,
17 I assumed, by the Japanese Ambassador in Washington;

18 "(2) The term 'stabilizing force in East
19 Asia' as applied by the Minister to Japan is open to
20 very wide interpretation;

21 "(3) The Minister's observation that Japan
22 must have access to necessary supplies penetrates to
23 the center of the whole problem since one of the funda-
24 mental purposes of the current conversations is to
25 open a way for Japan to obtain such necessary supplies,

1 together with a free flow of trade and commerce and
2 markets for her industries, but by peaceful means as
3 opposed to the use of force, and that Mr. Hull's program
4 visualizes precisely these desiderata which are aimed
5 to ensure Japan's future welfare, prosperity and
6 contentment.

7 "The Foreign Minister remarked that he was
8 quite prepared to admit that the Embassy is endeavoring
9 to report accurately on the situation in the Far East,
10 but that, in view of the position which is being taken
11 by the American Government, he wondered whether the
12 American Government has in fact a correct appreciation
13 of the realities. To illustrate his point, he wished
14 to cite the question of the stationing of Soviet troops
15 in Outer Mongolia, which was universally recognized
16 to be a part of China. So far as he knew no one had
17 objected to the presence of Soviet troops in Outer
18 Mongolia. With regard to my comment on the phrase
19 'stabilizing force in East Asia,' the Foreign Minister
20 said that there should be a satisfactory interpretation
21 of that phrase from a common-sense point of view. With
22 regard to my observations on the question of assuring
23 to Japan sources of raw materials the Foreign Minister
24 said that this was a question which had been debated
25 over a period of years at Geneva and elsewhere. He did

1 not wish to go into the fundamentals of the question,
2 but he thought that he could advert briefly to the
3 importance of commercial and economic relations between
4 the United States and Japan. The freezing by the United
5 States of Japanese assets had stopped supplies of many
6 important raw materials to Japan. Economic pressure
7 of this character is capable of menacing national
8 existence to a greater degree than the direct use of
9 force. He hoped that the American Government would
10 take into consideration circumstances of this character
11 and realize the possibility that the Japanese people,
12 if exposed to continued economic pressure, might
13 eventually feel obliged resolutely to resort to measures
14 of self-defense.

15 "The Minister went on to say that Japan had
16 been engaged in extensive hostilities for a period
17 of more than four years, and that if Japan were called
18 upon to sacrifice the fruits of such protracted hosti-
19 lities she must inevitably collapse. If the American
20 Government realizes this fact a speedy conclusion to
21 the conversations will be easy.

22 "I pointed out the apparent inconsistency
23 between the Minister's emphasis on the insistence of
24 Japan that she retain the fruits of hostilities and
25 Japan's acceptance of the principle of refraining from

1 aggression and the use of force.

2 "The Foreign Minister replied that Japan is
3 not conducting a war of aggression and that therefore
4 no question arises of her retaining the fruits of
5 aggression. It is his impression that the American
6 Government is now resorting, under the plea of self-
7 defense, to measures over and beyond those that are
8 generally recognized by international law. He expressed
9 the opinion that it might not be out of place for Japan
10 to ask the United States not to put too liberal a
11 construction on the principle of self-defense. In
12 any event, it was his opinion that theoretical dis-
13 cussions would not promote the conversations, which he
14 thought should be pursued along realistic lines.

15 "The conversation then turned to another matter
16 which is covered by a separate memorandum."
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1 Resuming the affidavit:

2 "It was for this reason that, in the 'Opinion
3 of the Foreign Minister,' defense document No. 1891,
4 the belief was advanced that mitigation of the Japanese
5 stand on the question of the stationing of troops would
6 suffice for the success of the negotiations. While it
7 is true that in several points the new proposals fol-
8 lowed the formula theretofore adopted, those formulas
9 were those on which it was considered that agreement
10 had already been reached. To all questions on which, as
11 we understood, America maintained its objections, the
12 Liaison Conference gave the most careful consideration,
13 and the proposals which were adopted represented the
14 maximum agreement which could be obtained for making
15 concessions on those points.

16 "7. In regard to the problem of the
17 stationing of troops in China, the Japanese proposal
18 of 25 September (exhibit 1245-E) stipulated that 'the
19 stationing of Japanese troops and naval forces in
20 certain areas in the Chinese territory would be main-
21 tained for a necessary period in accordance with the
22 existing agreement and usages for the cooperation be-
23 tween Japan and China for the purposes of preventing
24 communistic and other subversive activities and of
25 maintaining the public order.' This was the position

1 which Japan had maintained since the opening of the
2 negotiations; while America had objected to the station-
3 ing of troops in China for an unlimited period, and
4 insisted on their withdrawal within a definitely limited
5 time. This point had, therefore, been the most diffi-
6 cult of the problems, and this decision taken and
7 embodied in Proposal 'A' in the time of the TOJO
8 cabinet was the first time that it had been made clear
9 that the stationing was not to be for an unlimited
10 period. It was further decided that if America asked
11 how long the period would be, reply would be given
12 to the effect that the approximate goal was 25 years.
13 The settlement of this problem had caused great diffi-
14 culties to the Liaison Conference and it was this
15 problem which had brought about the downfall of the
16 third KONOYE Cabinet (defense document No. 1401-W-1,"
17 which I offer in evidence.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 1401-W-1
20 will receive exhibit No. 2919.

21 (Whereupon, the document above
22 referred to was marked defense exhibit
23 2919 and received in evidence.)
24

25 MR. BLAKENEY: This is a telegram from TOYODA
to NOMURA, dated 17 October, 1941. (Reading):

1 "On this occasion of the resignation en
2 bloc of the Cabinet, I wish to express my appreciation
3 of the efforts which you and your staff have been mak-
4 ing. The resignation is caused, as the Cabinet has
5 announced, by its internal disagreement of views, the
6 most important of the issues involved being the
7 question of withdrawal of troops. Whatever cabinet
8 may hereafter be formed, however, there will be no
9 change in regard to continuing the Japanese-American
10 negotiations in accordance with the predetermined
11 principles. I earnestly hope that you and your staff
12 members, keeping that in mind, will all the more unite
13 in cooperation, and make greater efforts than ever."

14 Resuming the affidavit:

15 "It was for this reason that Mr. TOGO had
16 requested and obtained assurance on this point (as
17 well as other points of the 6 September decision)
18 before accepting the portfolio of Foreign Affairs.
19 But in the Liaison Conference, the Army General Staff
20 especially strongly opposed a limitation on the period
21 of stationing troops on the grounds that if a limita-
22 tion were imposed the fruits of the China Incident
23 would be lost, the feeling of defeat would spread over
24 the nation, and the morale of the army would be lowered.
25 The Foreign Minister insisted, on the contrary, that

1 the negotiations would undoubtedly fail unless the
2 period was limited; and after hot discussions the
3 General Staff at last came to agree to the decision.

4 "The plan adopted further made it clear that
5 the area in which troops would be stationed would be
6 certain areas of North China and Inner Mongolia, and
7 Hainan Island. According to the provisions of the
8 Treaty of Basic Relations between China and Japan
9 (Exhibit 1245-F), which had been mentioned in the
10 original proposal of 12 May (exhibit 1070), Japan had
11 the right to station troops in the Shanghai triangular
12 zone, at Amoy and in some other areas in addition to
13 those enumerated in Proposal 'A' and this right had
14 been strongly defended until the time of the TOJO
15 Cabinet and was still strongly insisted on by some
16 at this time. As a result of the Conference delibera-
17 tions, however, it was decided to make the concession
18 of restricting the areas, to those mentioned.

19 "8. On the question of the application of
20 the principle of nondiscrimination in trade, the draft
21 of 25 September had provided that 'economic cooperation
22 between Japan and China will be carried on by peaceful
23 means and in conformity with the principle of non-
24 discrimination in the international commercial relations
25 and also with the principle of especially close

1 relationship which is natural between neighboring
2 countries; and that the economic activities of third
3 Powers in China will not be excluded so long as they
4 are pursued on an equitable basis.' In Proposal 'A,'
5 however, the Liaison Conference, in accordance with
6 the participants' intention of making concessions so
7 far as possible, had included the provision that
8 'The Japanese Government recognized the principle of
9 nondiscrimination in international commercial relations
10 to be applied to all the Pacific area, inclusive of
11 China, on the understanding that the principle in
12 question is to be applied uniformly to the rest of the
13 entire world as well.' The Liaison Conference intended
14 thus not only abandonment of the condition of proquin-
15 quity, to which America had taken exception, but also
16 to adopt the American extension of the nondiscriminatory
17 principle to the whole Pacific area.

18 "9. As to French Indo-China, Proposal 'A'
19 provided that 'The Japanese Government undertakes to
20 guarantee the territorial sovereignty of French Indo-
21 China. The Japanese forces at present stationed there
22 will be withdrawn as soon as the China Affair is
23 settled or an equitable peace is established in East
24 Asia.' The meaning of the phrase, 'an equitable peace
25 in East Asia,' as used here is explained in the earlier

1 telegram of Foreign Minister TOYODA to Ambassador
2 NOMURA, 28 August, defense document No. 1401-H-3,"
3 which I offer in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Defense document
6 1401-H-3 will receive exhibit No. 2920.

7 (Whereupon, the document above
8 referred to was marked defense exhibit
9 No. 2920 and received in evidence.)

10 MR. BLAKENEY: I read the exhibit, which
11 is a telegram from TOYODA to NOMURA, dated 28 August
12 1941.

13 "With reference to my telegram No. 503:

14 "(A) Please give the following numbers to the
15 contents of the telegram above referred to, for con-
16 venience' sake in future telegrams regarding this
17 matter.

18 "(1) (The paragraph beginning with 'The
19 Government of the United States declared . . .,' which
20 repeats the contents of the communication made to our
21 Ambassador at Washington.)

22 "(2) (The paragraphs following 'The Japanese
23 Government cannot but feel unsatisfied . . .')

24 "(3) (The paragraphs following 'The messages
25 taken by the Government of Japan for the common defense

1 of French Indo-China were . . .')

2 "(4) (The paragraph beginning with 'As to
3 the statement of the Government of the United States
4 that the informal discussions between the two Govern-
5 ments with a view to discovering . . .')

6 "(5) (The paragraph beginning with 'The
7 Government of Japan is of opinion that, with regard to
8 the principles and hope reiterated by the Government
9 of the United States as the program . . .')

10 "(6) (The paragraph beginning with 'The
11 Government of Japan feels that its intention . . .')

12 "(B) With reference to the telegram above
13 referred to, the explanation of the points calling for
14 special attention is given for you only as follows:

15 "(1) Our idea underlying the present telegram
16 is that the United States should state its opinion very
17 frankly and that Japan should respond to it. Therefore,
18 the views of the Japanese Government are set forth
19 frankly and simply in this telegram. It is necessary
20 that both sides should make their respective views clear
21 and find some compromise through the spirit of mutual
22 concession. The Japanese Government considers that the
23 meeting between the responsible heads of the two Govern-
24 ments is the most effective method for such purpose.
25

 "(2) With reference to (3), it is implied in

1 the phrase 'when an equitable peace has been es-
2 tablished in the Far East . . .' that the withdrawal
3 of Japanese troops can be considered even while the
4 China Affair is not yet brought to a general settle-
5 ment, if the Chiang Kai-shek regime descends literally
6 to a local government owing to the closing of the
7 supply routes, normal relations between Japan and
8 China are in effect restored, and equitable and free
9 acquisition of resources from French Indo-China is
10 assured to Japan. In fine, it aims at widening the
11 scope of the negotiations as much as possible.

12 "(3) With reference to (5),

13 "(a) 'These are to be applied to the whole
14 world and consequently to the Pacific area' expresses
15 the intention of the Japanese Government to apply
16 the principles to the whole world so that they should
17 not operate unilaterally against the interest of
18 Japan. For, if the proposed principles and desire of
19 the American Government be applied exclusively to the
20 Pacific areas, Japan will be subject to all kinds of
21 restraint in the East Asia Co-prosperity Sphere where
22 a new order is being established, while the United
23 States will be left free from any such restraint in
24 the adjacent areas.

25 "(b) 'Any countries which are in a better

1 condition and are more advanced geographically and
2 from the viewpoint of natural resources as well as
3 militarily, politically and economically, should adopt
4 a fair attitude for the distribution . . . ' suggests
5 (in connection with the proposed principles of equality
6 of economic opportunity and treatment, that any coun-
7 tries which are in better condition should take fair
8 measures for the distribution of essential raw materials,
9 and that they should cooperate with other countries,
10 making the most of their respective power of leader-
11 ship) that it is only natural for Japan to take peace-
12 ful leadership in the economy of the East Asia Co-
13 prosperity Sphere.

14 "(c) 'It is natural, proper and absolutely
15 necessary for the establishment and promotion of peace
16 that fundamental necessities for the existence of a
17 certain country should be mutually satisfied . . . '
18 manifests that it is natural and is necessary for the
19 establishment of the Co-prosperity Sphere that Japan
20 is exerting itself to bring forth peace-through the
21 policy of good neighborliness, that is, with Manchuria
22 and China as the nucleus. It also shows that the
23 mutual respect for the individual characteristics of
24 adjacent countries does not mean the acquisition of
25 superiority which the United States cautions us against,

1 denoting that such has a basis in common with the
2 Monroe Doctrine of the United States. Further, with
3 respect to 'the satisfaction of the necessities for
4 existence,' we have taken in the idea of the defense
5 against dangers advocated by the Government of the
6 United States, and the joint defense of China has also
7 been taken into consideration.

8 "In short, all such statements quoted in
9 (a), (b), and (c) are made by way of precaution lest
10 Japan's hands should be tied in the future negotiations
11 in her efforts for the establishment of the Co-prosperity
12 Sphere, to which she is committed."

13 Returning now to the affidavit:

14 "The Liaison Conference discussions and de-
15 cision of this point were on the basis of this meaning
16 of the phrase.
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1 "In general, Proposal 'A' was formulated by
2 study and consideration of the negotiations from the
3 time of the Japanese proposal of 25 September, and
4 with a view to making on the unsettled questions the
5 utmost concessions to the American position which
6 could be agreed upon by all.

7 "10. In addition to Proposal 'A', Proposal
8 "B" was prepared also, for use in the event that no
9 favorable prospect developed from presentation of Pro-
10 posal 'A' (it being realized that settlement of all
11 outstanding problems at a stroke might be difficult).
12 The main purpose of Proposal 'B' was to restore con-
13 ditions to what they had been before the critical
14 situation brought about by the Japanese advance into
15 Southern Indo-China, as a modus vivendi until a basis
16 for final settlement of the various issues could be
17 reached. Thus it was decided to propose withdrawal
18 to the north of all troops stationed in Southern Indo-
19 China, as well as withdrawal of all troops stationed
20 in Indo-China upon establishment of an equitable peace
21 in the Pacific area. It was decided also that, if
22 necessary, the stipulations of Proposal 'A' on non-
23 discrimination in commerce, as well as on the inter-
24 pretation and obligations of the Tripartite Pact,
25 might be included in Proposal 'J'. To arrive at an

1 agreement to make such concessions in spite of the
2 many questions left unsettled for future negotiations
3 was a difficult matter, and there were strong objections
4 from the Army General Staff, by whom it was considered
5 an extreme concession on the part of Japan, the retreat
6 of Southern Indo-China especially being very hard for
7 them to accept.

8 "11. The Liaison Conference discussed also
9 the policy to be adopted in case the United States
10 would not accept either Proposal 'A' or 'B', despite
11 the concessions which they were believed to represent.
12 Before reaching the final decision that in that case
13 war would have to be waged in self-defense, the
14 Liaison Conference had hot discussions. The Foreign
15 Minister, insisting on the necessity of preserving
16 peace, strongly urged patience even in hardship and
17 provocation, pointing out the great productive capacity
18 of America and Britain and the indomitable and inflex-
19 ible spirit of their nationals, and the impossibility
20 of Japan's receiving assistance from Germany or Italy.
21 He repeatedly expressed the fear that once war broke
22 out it would necessarily be a prolonged one, and one
23 that would result disastrously for Japan, and insisted
24 that Japan should manage herself with patience at
25 least until American participation in the European War.

1 This opinion met with strong opposition from the High
2 Command. It was argued that, since the imposition of
3 freezing measures by the United States, Britain and
4 the Netherlands, Japan's vital resources were subject
5 to gradual depletion, and that is that condition con-
6 tinued, with no means of replenishing her resources,
7 the materials necessary for war would be gradually ex-
8 hausted and Japan would collapse militarily and
9 economically. In the case of petroleum especially,
10 great concern was manifested, it being concluded that
11 the stock available for civilian use would be exhausted
12 by June or July of 1942, however strictly rationing
13 might be imposed; and that the stock even for military
14 use was so small that the Japanese Navy would be faced
15 with the impossibility of discharging its functions,
16 if the worst came, in less than a year and a half. It
17 was stressed that in view of the rapid increase of
18 military preparations by America, Britain and the
19 Netherlands, and the condition of Japan, the probability
20 of being subjected to pressure by America and Britain
21 in the event of failure of negotiations was growing,
22 and if conditions remained unchanged Japan would no
23 longer have power to resist. Further, it was argued,
24 we should conclude, if America refused to pay favorable
25 consideration to our proposals despite our great

1 concessions, that she was already resolved upon war
2 against us. As a result of these arguments, the
3 opinion that we should continue negotiations with the
4 determination to fight America in self-defense if
5 negotiations failed prevailed in the Liaison Confer-
6 ence in early November, resulting in the conclusions
7 before mentioned.

8 "Prior to the agreement on this conclusion,
9 Ministers KAYA and TOGO reserved expression of their
10 final opinions, requesting a day's time for further
11 consideration before agreeing. Foreign Minister TOGO
12 told me a day or two later that, believing that war
13 should be avoided to the last, before agreeing to the
14 conclusion he had made some requests of Premier TOJO;
15 especially to make every effort for the success of the
16 negotiations, and to consider moderating as necessary
17 the terms of Proposals 'A' and 'B', if the United
18 States' attitude toward them was in general favorable.
19 He had, he told me, got the consent of the Premier,
20 and he therefore encouraged me to make still further
21 efforts for the success of the negotiations. The
22 Foreign Minister further proposed in the Liaison Con-
23 ference that in case of a settlement through the
24 negotiations the Army and Navy forces should be re-
25 stored to their former condition however much military

1 preparations had progressed; and to this the High
2 Command fully agreed.

3 "The Negotiations, 5 - 20 November

4 "12. The dispatch of Ambassador KURUSU to
5 Washington was first requested by Ambassador NOMURA
6 on 4 August (defense document No. 1401-E-1)," which
7 I offer in evidence.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document
10 1401-E-1 will receive exhibit No. 2921.

11 (Whereupon, the document above
12 referred to was marked defense exhibit
13 No. 2921 and received in evidence.)

14 MR. BLAKENEY: The exhibit which I read is
15 a telegram:

16 "From NOMURA to TOYODA

17 "4 August 1941

18 "All the newspapers here accorded much pub-
19 licity to the Japanese-American problem yesterday,
20 supporting the strong attitude of the American Govern-
21 ment. The Gallup Poll also shows support for the
22 strong attitude, though it is suggested that the door
23 is not yet quite closed. For the present, public
24 interest appears to be focused on Japanese-American
25 relations rather than on American-Japanese relations.

1 Though it may be possible for the tension to be
2 allayed, it depends partly on the European war situ-
3 ation, and nothing can be forecast with respect to
4 future developments. Reports will be submitted by
5 WAKASUGI and IWAKURO on their return to Japan; but,
6 as the situation is changing every moment, time is
7 the most important factor. I deeply fear lest I
8 should make a miscalculation at this moment, and
9 besides there is a limit to my ability. It is there-
10 fore earnestly requested that you dispatch at your
11 earliest convenience some senior in the diplomatic
12 service who is well versed in affairs in and out of
13 Japan (for example, Ambassador KURUSU), to cooperate
14 with me. I am unable to perceive the delicate shades
15 of the policy of the Government, and am quite at a
16 loss what to do. I should be very much obliged if you
17 would give special consideration to the matter and
18 realize it promptly."

19 Returning to the affidavit:

20 "The matter was being considered by Foreign
21 Minister TOYODA when the KONOE Cabinet resigned,
22 (defense document 1400-W-6)," which I offer in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document
25 1400-W-6 will receive exhibit No. 2922.

1 (Whereupon, the document above
2 referred to was marked defense exhibit
3 No. 2922 and received in evidence.)

4 MR. BLAKENEY: The exhibit, which is an ex-
5 cerpt from "Foreign Relations," I read:

6 "Memorandum by the Ambassador in Japan (Grew)

7 "(Tokyo) October 10, 1941

8 "The Minister for Foreign Affairs asked me
9 to call this afternoon.

10 "The Minister for Foreign Affairs then told
11 me that since he had the impression that the Japanese
12 Ambassador in Washington was apparently very fatigued,
13 serious consideration was being given to the question
14 of sending to Washington a diplomat of wide experience
15 to assist the Ambassador in carrying on the present
16 conversations. Admiral TOYODA said he had in mind a
17 high-ranking diplomatic official with the personal
18 rank of Ambassador, but he had not yet approached the
19 official in question and was therefore uncertain as to
20 whether he would agree to undertake to accept the mis-
21 sion. It would be of great assistance to the Minister
22 to ascertain whether the Government of the United States,
23 in the event that it was decided to send the officials
24 in question to Washington, would be prepared to make
25 available a reservation for him on the airplane from

1 Manila to San Francisco. Admiral TOYODA said that
2 the official in question would not be accredited to
3 the Government of the United States but would be
4 temporarily and unofficially attached to the Japanese
5 Embassy in Washington. I told the Foreign Minister
6 that I would transmit his inquiry to my Government.

7 "In concluding the conversation, the Minister
8 several times stressed to me, in view of the importance
9 of the time factor, the necessity of expediting the
10 progress of the conversations."

11 Resuming the affidavit, I will start at the
12 beginning of the sentence:

13 "The matter was being considered by Foreign
14 Minister TOYODA when the KONOE Cabinet resigned, and
15 after assuming office, Foreign Minister TOGO told me
16 that he considered that sending Ambassador KURUSU --
17 who shared his opinion of the necessity of adjusting
18 Japanese-American relations, and who had a good know-
19 ledge of America -- to assist Ambassador NOMURA would
20 be helpful for expediting the negotiations. Therefore
21 on the night of 3 November, following the Liaison Con-
22 ference's agreement on Proposals 'A' and 'B', the
23 Foreign Minister had Ambassador KURUSU call on him,
24 stated the nature of the proposed mission, and obtain-
25 ed his consent to undertaking it. The following day

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1 I went over the course of the negotiations in detail
2 with Ambassador KURUSU, and, the Foreign Minister
3 securing the Premier's approval of and the Imperial
4 sanction for the mission, the Ambassador was sent off
5 by Clipper, thanks to special arrangements made by the
6 American Ambassador and the American State Department.

1 "The dispatch of Ambassador KURUSU was carried
2 out solely as one more effort offering an additional
3 chance to succeed in the earnestly-desired conclusion
4 of the negotiations, as was explained to Ambassador
5 NOMURA at the time (defense document No. 1401-E-2),"

6 which I offer in evidence.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Defense document 1401-E-2
9 will receive exhibit No. 2923.

10 (Whereupon, the document above
11 referred to was marked defense exhibit
12 No. 2923 and received in evidence.)

13 MR. BLAKENEY: I read the exhibit, which is
14 a telegram from TOGO to NOMURA, 6th of November, 1941:

15 "Reference to my telegram No. 730.

16 "While Ambassador KURUSU was sent for the reasons
17 stated in the reference telegram, his hurried dispatch
18 indicates also the sincerity of the Japanese Government
19 in regard to the present negotiations. As stated in
20 the telegram under reference, the Ambassador is not
21 carrying with him any new instructions other than those
22 already telegraphed to you. His mission is to convey
23 in person to you information concerning the latest
24 situation here, to assist you in the final stage of
25 the negotiations, and by cooperating with you to break

1 the deadlock so as to bring the negotiations speedily
2 to a successful conclusion. It has been explained
3 to the public here that, in view of the necessity of
4 the negotiations' being speedily brought to a successful
5 conclusion, Ambassador KURUSU has been hurriedly
6 dispatched to assist you. The above circumstances have
7 also been thoroughly explained to the British and
8 American Ambassadors in Tokyo (Ambassador KURUSU talked
9 with the American Ambassador in Tokyo just before
10 his departure), and the two Ambassadors fully understand
11 the circumstances. Further, the Army and Navy
12 authorities understand the purpose for which the
13 Ambassador has thus been specially sent, and are
14 appreciative of the trouble he is taking. Let me add
15 that you will, bearing the above in mind, appropriately
16 explain the matter to the United States Government
17 authorities, the press and other quarters."

18 I return to the affidavit:

19 "The suggestion has since been made that it
20 was intended as a measure to gain time by deceiving
21 the United States; but, as I have already indicated
22 above, the difficulty in the Liaison Conference from
23 long before had been to persuade the High Command to
24 agree to enough delay to give negotiation full opportunity,
25 their position being that there was neither necessity

1 nor desirability of delaying the opening of hostilities,
2 but that it would be advantageous to commence them at
3 once.

4 "12. The proposals decided upon by the
5 Liaison Conference on 2 November were sent to Ambassador
6 NOMURA on the 4th, prior to their approval by the
7 Imperial Conference on the 5th (defense documents Nos.
8 1401-A-2 and 1401-B-2)," the first of which I offer
9 in evidence.

10 THE PRESIDENT: Mr. Tavenner.

11 MR. TAVENNER: If the Tribunal please, these
12 two documents are two of those with which we were
13 concerned this morning. Our investigation discloses
14 that they are copies, purported copies of the originals,
15 which we have. But, there are certain discrepancies
16 in the translation offered by the defense and that which
17 the prosecution has. For that reason, we desire that
18 it be referred to the Language Pool. That is true as
19 to both of these documents and also the third one,
20 which is 1401-D-2.

21 THE PRESIDENT: All these documents will be
22 referred to the Language Section.

23 MR. BLAKENEY: May I be heard on this, your
24 Honor?
25

.This, it is submitted, is not a question for

1 the Language Arbiter. The translations in question,
2 that is to say, the translations now being tendered
3 and the exhibits already tendered by the prosecution
4 are translations of different documents.

5 THE PRESIDENT: Mr. Tavenner.

6 MR. TAVENNER: That is wholly aside from
7 the point, your Honor. I am not raising that question.
8 I spoke of having the originals of these various
9 documents, of which copies are now being presented, and
10 that discrepancies appear between the prosecution's
11 translation of these documents and the translation
12 being presented by the defense. That has nothing to do
13 whatever with the intercepted documents.

14 MR. BLAKENEY: I misunderstood Mr. Tavenner's
15 position.

16 THE PRESIDENT: We didn't, so we refer the
17 matter to the Language Section when the documents are
18 before us, but not yet.

19 MR. BLAKENEY: I assume that meanwhile, as has
20 been done in the past, the document will be admitted.

21 THE PRESIDENT: By "before us" I mean in
22 evidence. They are not, yet.

23 This document is admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 1401-A-2
25 will receive exhibit No. 2924.

1 (Whereupon, the document above
2 referred to was marked defense exhibit
3 No. 2924 and received in evidence.)

4 MR. BLAKENEY: I now read the exhibit, which
5 is a telegram from TOGO to NOMURA, the 4th of November,
6 1941:

7 "Reference to my telegram No. 722.

8 "1. Strenuous efforts are being made day and
9 night in order to adjust Japanese-American relations,
10 which are on the verge of rupture. The Government has
11 held daily meetings of the Liaison Conference with the
12 High Command to examine the fundamental principles of
13 our national policy. After long and thorough deliberation
14 and discussions, the Government and the High Command
15 have reached unanimous agreement on the proposals in
16 the Japanese-American negotiations (Separate telegrams
17 Nos. 726 and 727.) These proposals await, together
18 with other basic policies, final sanction at the Imperial
19 Conference to be held on the 5th.

20 "2. The situation both within and outside the
21 country is extremely pressing and we cannot afford to
22 allow any procrastination. Out of the sincere intention
23 to maintain peaceful relations with the United States,
24 the Imperial Government continues the negotiations after
25 thorough deliberations. The present negotiations are

1 our final effort, and you must realize that these
2 proposals, are truly our last. If speedy conclusion
3 of the negotiations is not to be attained even on
4 the basis of these proposals, breakdown of the
5 negotiations is unavoidable, however regrettable it
6 may be. Relations between the two countries face
7 rupture in such a case. The future of our country is
8 profoundly involved in the outcome of the present
9 negotiations, and the security of the Empire depends
10 on it.

11 "3. The Japanese-American negotiations have
12 been prolonged for over half a year. Our Government
13 has made concession after concession, in spite of
14 difficulties, for the speedy consummation of the
15 negotiations, but the United States insists on the
16 assertions with which she started, showing no response
17 whatsoever to our concessions. There are not a few in
18 this country who are suspicious of the real intention
19 of the United States. In such circumstances, it is
20 only out of our sincere desire to maintain the peace
21 of the Pacific that we express our sincerity and dare
22 to make further concessions. One-sided concessions
23 on our part are made not because of our lack of power
24 and confidence in solving difficulties, as some
25 Americans misunderstand them to be. There is a limit

1 to our forbearance, and our existence and prestige must
2 if necessary be protected, however great the price.
3 If the United States continues further to disregard
4 our position, we can but say that there is no room for
5 negotiation. Now that we make the utmost concessions
6 in the spirit of utmost friendliness for the sake of
7 peaceful solution of the situation, we hope earnestly
8 that the United States will, on entering the final stage
9 of the negotiations, reconsider the matter and approach
10 this grave situation properly with the general view of
11 maintaining Japanese-American relations.

12 "4. The circumstances being as they are,
13 the mission entrusted to you has a great deal to do
14 with the future of the country. We do well understand
15 how difficult your task is, and we expect that you will
16 do all that you can, bearing the above points in mind.
17 We will let you know as soon as the Imperial Conference
18 is over. You will, thereupon, see President Roosevelt
19 and Secretary Hull and do your best to make them
20 thoroughly understand our determination and to bring
21 the negotiations to a speedy conclusion.

22 "5. In view of the serious nature of the
23 negotiations, I intend to carry on talks with the
24 American Ambassador in Tokyo parallel with the
25 negotiations in Washington. It is, therefore, desired

1 that we be informed of any appointment with the
2 American authorities as soon as it is made, that the
3 course of the negotiations to come be promptly
4 reported, and that you keep close contact with us
5 whenever you take new steps. In order to avoid any
6 contretemps, you are directed to abide strictly by
7 your instructions and you are given no room for
8 discretion."

9 I now offer in evidence defense document No.
10 1401-B-2, revised.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document
13 1401-B-2 will receive exhibit No. 2925.

14 (Whereupon, the document above
15 referred to was marked defense exhibit
16 No. 2925 and received in evidence.)

17 MR. BLAKENEY: I wonder if the Tribunal has
18 the revised copy. Does it say "revised" under the
19 defense document number?

20 THE PRESIDENT: Not the copy, no. The word
21 "revised" does not appear on these pages.

22 MR. BLAKENEY: On two pages, your Honor.

23 I think I better postpone reading until we
24 have the correct document. Perhaps, in order to avoid
25 breaking the continuity, I might suggest that we recess

1 at this time.

2 THE PRESIDENT: We will adjourn until
3 half-past one.

4 (Whereupon, at 1155, a recess was taken.)

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AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at
4 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Major Blakeney.

8 MR. BLAKENEY: I was about to read exhibit
9 2925, which I understand has now been distributed
10 in its revised form. It is as follows, being a tele-
11 gram from TOGO to NOMURA, dated 4 November 1941.

12 "1. Proposal A

13 "This is our proposal setting forth what are
14 virtually our final concessions, made by revising our
15 proposal of 25 September with a view to meeting, in
16 so far as possible, the wishes of the United States as
17 revealed through the negotiations in the past. Our
18 stand with respect to the three pending issues is
19 moderated as follows:

20 "(1) Non-discrimination in trade

21 "If it should not be possible to reach an
22 agreement on the basis of our 25 September proposal,
23 it should be modified as follows: 'The Japanese
24 Government recognizes the principle of non-discrimina-
25 tion in international commercial relations to be

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1 applied to all the Pacific area, including China,
2 on the understanding that the said principle is to be
3 applied uniformly to the rest of the world.'

4 "(2) Interpretation and application of the
5 Tripartite Pact

6 "It should be further clarified that Japan
7 has no intention of making any unwarranted extension
8 of the interpretation of the right of self-defense.
9 With regard to the interpretation and application of
10 the Tripartite Pact, it should be stated that the
11 Japanese Government, as has been repeatedly explained
12 in the past, will act in accordance with its own decis-
13 ion, and that it is believed that the understanding
14 of the American Government has already been obtained
15 on this point.

16 "(3) Withdrawal of Troops

17 "We make the following relaxation:

18 "(a) Stationing of troops in and withdrawal
19 from China

20 "Following restoration of peace between
21 Japan and China, the Japanese troops dispatched to
22 China in connection with the China Affair will be
23 withdrawn within two years, in accordance with the
24 agreement to be entered into between Japan and China,
25 except that those in specified areas in North China

1 and Mengehiang as well as Hainan Island are to be
2 stationed for such duration as may be necessary.

3 "(Note) In case the United States inquires
4 into the length of the necessary duration, reply is
5 to be made to the effect that the approximate goal is
6 25 years.

7 "(B) Stationing of troops in and withdrawal
8 from French Indo-China

9 "Japan respects the territorial integrity
10 of French Indo-China. The Japanese troops dispatched
11 thereto will be withdrawn immediately upon either the
12 settlement of the China Affair or the establishment
13 of peace in East Asia on an equitable basis.

14 "With regard to the four principles, every
15 effort is to be made to avoid including them in the
16 terms of a formal agreement between Japan and the
17 United States (whether in the form of agreement or
18 other declaration).

19 "2. Explanation of the above
20

21 "(1) With regard to the principle of non-
22 discrimination in trade, our contention hitherto made
23 on the basis of geographical propinquity is withdrawn
24 and the principle is adopted on the condition that it
25 be applied to the whole world. It is presumed that
there will be no opposition to it on the part of the

1 United States Government in view of the statement in
2 its memorandum of 2 October to the effect that 'it
3 would be undesirable if either the United States or
4 Japan were to pursue one course of policy in certain
5 areas while at the same time pursuing an opposite
6 course in other areas.' It is believed, therefore,
7 that agreement will be reached on this point.

8 "(2) By the way, with regard to the Tripar-
9 tite-Pact question, it has been reported in your tele-
10 grams on various occasions that the United States is,
11 in general, satisfied with our proposal. It is,
12 therefore, believed that this question will also be
13 settled if it is further clarified that Japan has no
14 intention of unwarrantedly extending the interpreta-
15 tion of the right of self-defense.

16 "(3) The question of withdrawal of troops
17 may still be difficult to settle. In view of the
18 strong American opposition to the stationing for an
19 indefinite period, it is proposed to dismiss her sus-
20 picion by defining the area and duration of the sta-
21 tioning. It might meet the desire of the United States
22 to a greater degree if withdrawal were to be made the
23 principle and stationing the exception, but it is
24 impossible to adopt that formula in the circumstances
25 prevailing in Japan. If, moreover, a definite period

1 for which it will be necessary to station the troops
2 is clearly indicated, it may have the contrary effect
3 of further complicating the issue. Accordingly, you
4 are directed to abide, at this moment, by the abstract
5 term 'necessary duration,' and to make efforts to im-
6 press the United States with the fact that the troops
7 are not to be stationed either permanently or for an
8 indefinite period.

9 "In short, Proposal 'A' represents an over-
10 all acceptance of the American contention in respect
11 to two of the three pending issues and a maximum con-
12 cession in regard to the question of stationing and
13 withdrawal of troops. In the light of the enormous
14 sacrifices sustained by Japan owing to the China Affair,
15 extending over four years, this Japanese proposal by
16 no means involves any excessive demands; our requests
17 are, if anything, much too small. In this connection,
18 any further concession on our part can hardly be ex-
19 pected, by reason of the internal political situation.
20 I earnestly that you will have the United States
21 understand the circumstances and speedily conduct the
22 negotiations under the present proposal to a successful
23 conclusion."
24

25 Returning to the affidavit: "As soon as they
had been approved, instruction to open negotiations

1 on these proposals was sent, defense document No.
2 1401-D-2,"which is offered in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document 1401-D-2
5 will receive exhibit No. 2926.

6 MR. BLAKENEY: I read the exhibit, which is
7 a telegram from TOGO to NOMURA, dated 5 November 1941.

8 "1. Our proposals in the Japanese-American
9 negotiations mentioned in my telegram No. 725 were
10 approved at the Imperial Conference held today, the 5th.
11 You are directed, therefore, to commence negotiations
12 immediately in accordance with the previous instruc-
13 tions.

14 "2. In view of the course of negotiations
15 so far, we consider that it will meet the desire of the
16 United States if we proceed with the negotiations on
17 the basis of the 21 June proposal -- 25 September
18 proposal from our side. It is therefore considered
19 more convenient for the speedy conclusion of the ne-
20 gotiations first to present Proposal 'A' (my telegram
21 No. 726). (We are not quite satisfied with the form
22 and expression of the proposed Japanese-American under-
23 standing which has so far been discussed, but we mean
24 to present Proposal 'A' first for the sake of conven-
25 ience.) You are directed to explain the above to the

1 United States, together with the circumstances detailed
2 to you in my telegram No. 725, and do your best to con-
3 clude the negotiations within as short a time as pos-
4 sible.

5 "3. It is our intention to present Proposal
6 'B' (my telegram No. 727) as the last resort to save
7 the situation in case Proposal 'A' fails to conclude
8 the negotiations owing to its rejection by the United
9 States. You are directed to learn the attitude of the
10 United States toward Proposal 'A' as promptly as pos-
11 sible and make report. You are not to present Proposal
12 'B' without previously requesting instructions.

13 "4. As stated in detail in the previous tele-
14 gram, this instruction is the final proposal of our
15 Government. It is repeated that you must realize
16 that the situation is extremely pressing, and no fur-
17 ther procrastination is permissible. Do your best with
18 full understanding of the circumstances.

19 "5. Although speed is necessary in the
20 negotiations, it is desired to avoid making an im-
21 pression of setting a time-limit to the negotiations
22 or of serving an ultimatum. It is desired that you
23 impress upon the United States that we want to conclude
24 the negotiations through friendly intercourse."
25

1 Reverting to the affidavit: "It may be noted
2 that in the explanation of Proposal 'A' given to
3 Ambassador NOMURA (Defense Document No. 1401-B-2),
4 it is said that if 'a definite period for which it
5 will be necessary to station the troops is clearly
6 indicated it may have the contrary effect of further
7 complicating the issue,' and the ambassador was accord-
8 ingly directed if possible to abide by the abstract
9 term 'necessary duration,' and to impress upon the
10 United States that neither permanent nor indefinite
11 stationing was contemplated. This instruction resulted
12 from the following circumstances. When the question
13 of withdrawal of troops was debated in the Liaison
14 Conference, the Foreign Minister had first advocated
15 the adoption of a 5-year limit for the withdrawal.
16 Being unable to obtain the consent of the conference
17 to this, he proposed successively plans for 8- and 10-
18 year periods, but neither of them was accepted either,
19 and the 25-year approximate goal was finally decided
20 upon. It would have been possible, however, to request
21 re-consideration with a view to shortening the period,
22 had the United States been generally favorable to
23 Proposal 'A', inasmuch as there was, as above mentioned,
24 an understanding to that effect between Premier TOJO
25 and Foreign Minister TOGO. In these circumstances

1 it was believed by the Foreign Ministry that it would
2 be better first to attempt to reach agreement on
3 general principles, putting emphasis on having the
4 United States understand that the stationing of troops
5 was not to be an indefinite nor a permanent stationing,
6 then to proceed to discussion of concrete terms.

7 "14. Proposal 'A' was handed by Ambassador
8 NOMURA to Secretary of State Hull on 7 November (Ex-
9 hibit 1246), and further explanation thereof was made
10 by him to the President on the 10th (Defense Document
11 No. 1400-A-7)," which is offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document 1400-A-7
14 will receive exhibit No. 2927.

15 (Whereupon, the document above referred
16 to was marked defense exhibit 2927 and received
17 in evidence.)

18 MR. BLAKENEY: I read the exhibit, which is
19 an excerpt from Foreign Relations of the United States:
20

21 "Memorandum by the Secretary of State

22 "Washington, November 10, 1941

23 "The Japanese Ambassador, accompanied by
24 Minister WAKASUGI, called on the President. The
25 Secretary of State was present at the express wish of
President Roosevelt. The Ambassador, after a few

1 preliminary remarks, proceeded to read as under in-
2 struction from his Government the following communi-
3 cation:

4 "I am now going to explain to you the sal-
5 ient points of the proposals which my Government has
6 instructed me to submit to your Government. As you
7 will recall, it was on the 25th of September that the
8 Japanese Government last made its proposals to the
9 United States Government, and, gathering from the
10 observations which the Secretary of State made on them
11 on the 2nd of October and also from the views which
12 were subsequently expressed by the Secretary of State
13 and the Under-Secretary of State Mr. Welles, the
14 greatest difficulties arose from three points, that is:

15 "1. The application of the principle of non-
16 discrimination in international commercial relations,

17 "2. The attitude of our two Governments
18 toward the European war, and

19 "3. The question of the stationing and
20 withdrawal of Japanese forces.

21 "In regard to the first question, that is,
22 the principle of non-discrimination, my Government has
23 now decided to accept its application in all the
24 Pacific areas, including China, as your Government
25 desires, on the understanding that the principle is to
be applied uniformly to the rest of the world as well.

1 The Secretary of State has repeatedly pointed out to
2 me that it has been his long-cherished scheme to see
3 the application of the principle throughout the whole
4 world. I therefore hope that the assurance to be
5 given by my Government in this connection will be
6 gratifying to you.

7 "As to the second question, the attitudes
8 of our two Governments toward the European war, my
9 Government proposed, in the draft of September 25th,
10 that

11 "both Governments will be guided in their conduct by
12 considerations of protection and self-defense."

13 "In this connection I have to inquire if the
14 United States Government is in a position to give an
15 assurance that it has no intention of placing too
16 liberal an interpretation on the term "protection and
17 self-defense" that may lead to an abuse of the recog-
18 nized right based upon it. The Japanese Government
19 would be ready to give a similar assurance on the
20 basis of reciprocity, that is, if the assurance is
21 forthcoming from the United States Government.

22 "In the draft of September 25th referred to,
23 my Government proposed that

24 "in case the United States should participate in the
25 European war, Japan would decide entirely independent-
ly in the matter of interpretation of the Tripartite

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1 Pact between Japan, Germany, and Italy, and would
2 likewise determine what actions might be taken by way
3 of fulfilling the obligations in accordance with said
4 interpretation.

1 " 'It will hardly be necessary to point out in
2 this connection that the fundamental motive for
3 initiating the present conversations was the preser-
4 vation of peace in the Pacific by all possible means.
5 The present circumstances under which Japan is placed
6 do not permit my Government to go any further to write
7 in black and white than what is proposed in the draft
8 of September 25th which I have just quoted. All I
9 have to ask you is to "read between the lines" and
10 to accept the formula as satisfactory. (Deleted by
11 Ambassador NOMURA.) " The sentence is lined out.

12 " 'You will agree with me that where there is
13 no mutual confidence and trust, a thousand words or
14 letters would not be a satisfactory assurance.

15 " 'In regard to the third question, the station-
16 ing and withdrawal of Japanese forces, the formula
17 which my Government wants to submit is as follows:

18 " ' "With regard to the Japanese forces which
19 have been despatched to China in connection with the
20 China Affair, those forces in specified areas of North
21 China and Mengchiang (Inner Mongolia) as well as in
22 Hainan-Tao (Hainan Island) will remain to be station-
23 ed for a certain required duration after the restor-
24 ation of peaceful relations between Japan and China.
25 All the rest of such forces will commence withdrawal

1 as soon as general peace is restored between Japan
2 and China and the withdrawal will proceed according
3 to separate arrangements between Japan and China and
4 will be completed within two years with the firm
5 establishment of peace and order."

6 "In submitting this formula, the Japanese
7 Government has gone a great deal further than it went
8 previously in that the formula specifies not only the
9 areas in, but also the duration for, which the Japa-
10 nese Government desires to have its forces remaining
11 in China, clearly indicating that the stationing of
12 the Japanese forces in China is not of a permanent
13 nature. You will readily agree that, while complete
14 and immediate withdrawal of all the Japanese forces
15 from China may be desirable, it is impracticable
16 under the present circumstances. I therefore earnest-
17 ly hope that you will give favorable consideration
18 from a practical standpoint.

19 "I have been instructed to add that, in
20 regard to the Japanese forces in French Indo-China,
21 the Japanese Government proposes the following
22 formula:

23 "The Japanese Government undertake to
24 respect the territorial sovereignty of French Indo-
25 China. The Japanese forces at present stationed

there will be withdrawn as soon as the China Affair
1 is settled or an equitable peace is established in
2 East Asia."

3 "The Ambassador then read the following
4 manuscript which he said was an oral statement by him:

5 "I am very glad to be able to see you today,
6 because since the resignation of the Cabinet of Prince
7 KONOYE, the conversations between the Secretary of
8 State and myself had to be left alone for nearly three
9 weeks -- three weeks, even three days, are very
10 precious time under the present circumstances. I am
11 sure you will agree with me that the situation be-
12 tween Japan and the United States must not be left
13 alone to take its own course and drift away beyond
14 rescue.
15

16 "It is more than six months since the
17 present informal conversations were started. From
18 the very beginning the Japanese Government was very
19 anxious to reach the earliest possible conclusion and
20 the Japanese people placed a great deal of hope on it,
21 but the conversations dragged on and on and, on the
22 other hand, the relations between our two countries
23 became more and more strained, the people of my
24 country becoming more and more impatient.

25 "As viewed from the Japanese side, the

1 Japanese Government has made not a few concessions
2 in its assertion at various stages while the United
3 States Government has, it seemed to the Japanese,
4 remained adamant on its contention and has shown
5 little sign of reciprocation, and thus I must frankly
6 inform you that in certain quarters in my country
7 some skepticism has arisen as to the true intention
8 of the United States Government. Personally I do not
9 like to say it, but it is true. People in my country
10 take the freezing of assets as an economic blockade
11 and they go even so far as to contend that the means
12 of modern warfare are not limited to shooting. No
13 nation can live without the supply of materials vital
14 to its industries. Reports reaching me from home
15 indicate that the situation is serious and pressing
16 and the only way of preserving peace is to reach some
17 kind of amicable and satisfactory understanding with
18 the United States without any unnecessary loss of time.
19 In the face of these mounting difficulties, the Japa-
20 nese Government bent all its efforts to continue the
21 conversations and bring about a satisfactory under-
22 standing solely for the purpose of maintaining peace
23 in the Pacific. My Government therefore is now sub-
24 mitting certain proposals as its utmost effort for
25 that purpose, and I shall feel very grateful if I can

1 have the views of your Government on them at the
2 earliest possible opportunity. Suppose we come to an
3 understanding with this country, the psychological
4 effect of it upon our people will mean much more than
5 what is actually written upon the paper, and the policy
6 of our Government will necessarily be guided and dic-
7 tated thereby. I confidently hope that the views and
8 desires entertained by the Japanese Government are
9 fully shared and reciprocated by your Government.

10 "I may add for your information that in view
11 of the serious situation now prevailing in the relations
12 between our two countries, the Japanese Government is
13 sending over here Ambassador KURUSU to assist me in
14 the present conversations and also that the conver-
15 sations will be taken up by Foreign Minister TOGO with
16 Ambassador Grew in Tokio in a parallel line.

17 "I am afraid I may have used today some
18 words which a trained diplomat must not use, but I
19 hope you will kindly forgive my transgression, for it
20 was only because of my earnest wish to keep and direct
21 the relations of our two countries in the course which
22 I believe is best for both of us.'

23 "The Ambassador appeared very much in earnest
24 in reading the statement.

25 "The Ambassador made some reference to

1 commercial policy as discussed and proclaimed by the
2 President and Prime Minister Churchill at their sea
3 conference some months ago. He referred complainingly
4 to the fact that the Japanese went into Shantung and
5 were only allowed to remain there some six years, at
6 the end of which time they were requested to move out
7 their troops.

8 "The President then read the following oral
9 statement in reply:

10 "The entire world has been placed in a pre-
11 carious position as a result of the havoc which has
12 been wrought by the forces of aggression. Our common
13 sense tells us of the extreme need that the world come
14 back to ways of peace. It is the purpose of this Govern-
15 ment to do its best in the spirit of fair play to contri-
16 bute to establishing a basis for peace, stability, and
17 order in the Pacific area. As a means of achieving
18 these objectives it is essential that emphasis be laid
19 upon giving practical effect to a sound philosophy of
20 human welfare. We have often and quite recently made
21 clear publicly what we have in mind in this regard.
22 We hope that our exploratory conversations will achieve
23 favorable results in the way of providing a basis for
24 negotiations. We shall continue to do our best to
25 expedite the conversations just as we understand that

1 the Japanese Government is anxious to do. We hope
2 that the Japanese Government will make it clear that
3 it intends to pursue peaceful courses instead of
4 opposite courses, as such clarification should afford
5 a way for arriving at the results which we seek.'

6 "The President also referred orally to his
7 opinion that nations must think one hundred years
8 ahead, especially during the age through which the
9 world is passing, and that the Chinese Government for
10 the past thirty years has been passing through a new
11 experience. He referred to extraterritorial courts
12 and other unusual conditions that had accompanied this
13 new experience of China. If I understood the Amba-
14 sador correctly, he said it took three years to
15 develop and dispose of the Shantung problems. The
16 President thereupon replied that the Ambassador,
17 Secretary Hull and himself had only soncumed some six
18 months in discussing a solution of our relations and
19 those of other countries in the Pacific and that
20 patience was necessary. The President spoke of a
21 modus vivendi as being not merely an expedient and
22 temporary agreement, but also one which takes into
23 account actual human existence. The Ambassador dwelt
24 briefly again on the question of the Japanese getting
25 out of China by degrees and adding that there would

1 be no annexation, no indemnity, et cetera.

2 "There was nothing said about when the next
3 conversation would take place. The President brought
4 up his program to visit Warm Springs at the end of
5 this week for some ten days. The Ambassador said that
6 KURUSU would be here about Saturday. The President
7 said that, of course, he expected to see KURUSU and
8 confer with the Ambassador and the Minister and their
9 associates. The Ambassador said that KURUSU was only
10 coming to assist him and coming at his request and
11 that he did not have anything new to bring so far as
12 the Ambassador knew.

13 "C[ordell] H[ull]"
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1 Returning to the affidavit: "Foreign Minister
2 TOGO also made an explanation to Ambassador Grew, on
3 the same day, in the endeavor to insure a thorough
4 understanding of the proposal (defense document No.
5 1400-Z-6)," which is now exhibit 2918. "In the Foreign
6 Ministry and the Liaison Conference, it was felt that
7 in view of the concessions made upon careful study of
8 the American position on pending questions the United
9 States would give favorable consideration to the pro-
10 posal. Ambassador NOMURA's reports at first indicated
11 that this result had come about (defense documents
12 Nos. 1401-F-2 and 1401-L-2)," the first of which I now
13 offer in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Defense document 1401-F-2
16 will receive exhibit No. 2928.

17 (Whereupon, the document above referred
18 to was marked defense exhibit 2928 and received
19 in evidence.)
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1 MR. BLAKENEY: I read the exhibit, which
2 is a telegram from NOMURA to TOGO, dated 7 November
3 1941:

4 "Today, the 7th, at 9 A.M. I, accompanied
5 by WAKASUGI, called on Secretary Hull (Ballentine
6 also being present) at his private residence. I
7 told him that, under instructions from the home
8 government, I wanted to explain to the President and
9 the Secretary Japan's intentions and position so as
10 to arrive speedily at a successful settlement of the
11 Japanese-American relations. Hull said that in the
12 present situation in the world two forces were fight-
13 ing each other; that as no early decision of the issue
14 was possible on either side it was to be feared that
15 the world might gradually enter upon a chaotic state
16 of anarchy; and that if at this juncture Japan and
17 the United States equally followed a peaceful policy
18 in the Pacific, it would be possible to save the world
19 from this chaotic state of affairs.

20 "In accordance with your instructions, I ex-
21 plained to him as follows:

22 "1. As to two of the three pending issues
23 a general understanding could be reached, and as to
24 the problem of stationing and withdrawal of troops
25 Japan is making the maximum concession possible in

1 the light of the domestic situation.

2 "2. It is earnestly hoped that the United
3 States Government will visualize the real situation
4 from the broad viewpoint of Japanese-American friend-
5 ship, and the negotiations be brought to a successful
6 conclusion speedily.

7 "3. I received from the home government
8 (one word missing) that I explain fully to the Pres-
9 ident and the Secretary of State Japan's determina-
10 tion and position and strive toward a speedy settle-
11 ment.

12 "4. National sentiment in Japan has become
13 impatient after six months of negotiations, and as
14 the situation is considered urgent it is earnestly
15 hoped that the present negotiations will speedily
16 come to a successful conclusion.

17 "5. In view of the critical situation, there
18 will be a parallel negotiations in Tokyo.

19 "With these explanations, I produced the
20 counter-formula transmitted from you, adding that in
21 it Japan displayed the utmost measure of friendly
22 spirit and conciliatory sincerity, and expressed
23 the hope that the United States would consider the
24 matter from the broad point of view and agree to
25 the Japanese proposal. After careful reading, Hull

1 concurred in the clause respecting non-discrimination
2 in trade and revealed his opinion that its adoption
3 would prove beneficial also to Japan.

4 "As to the stationing of troops, he only
5 asked in what ratio the withdrawal and stationing
6 would be. I explained that the greater portion of
7 the troops would be withdrawn, only a part contin-
8 uing to be stationed. I also explained the matter
9 of the right of self-defense in accordance with your
10 instructions received today. A reply of the United
11 States is to be made after study. When I see the
12 President I will make further explanations in detail
13 and ask for a reply.

14 "Further, Hull said that, as he had men-
15 tioned before, it was necessary that consultations
16 should be had also with the other countries concerned,
17 such as the United Kingdom, China and the Netherlands,
18 in order that the Japanese-American conversations con-
19 cerning the maintenance of peace in the Pacific should
20 resolve into formal negotiations. With regard to
21 the China question, he revealed that the United States
22 was in communication with China. Hull asked me, as
23 his own personal idea, what Japan would think if
24 China's highest authority pledged to the government
25 and people of Japan China's sincere friendship and

1 and confidence and desired the restoration of friendly
2 relations between Japan and China.

3 "WAKASUGI asked whether China's intentions
4 had already been ascertained with respect to the
5 matter. In reply Hull said that China had not yet
6 been consulted on the matter, it being entirely his
7 own personal idea, but that if it was carried into
8 effect it would constitute a good example of the
9 maintenance of peace in the Pacific and have a favor-
10 able influence on the world. There is some reason
11 to think, however, that it may have been as a result
12 of having ascertained China's intentions in the
13 matter that Hull's idea was brought forward.

14 "In any case, Hull asked that the above-
15 mentioned idea be conveyed to the Japanese Govern-
16 ment for an expression of its views thereon. I
17 replied simply that I would consider the matter."
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1 "Not only were Secretary Hull's concurrence
2 in the clause respecting non-discrimination in trade
3 and his expression of appreciation of our clarifica-
4 tion of our position on stationing of troops in China
5 encouraging, but his new suggestion of having China's
6 highest authority pledge friendship seemed to offer
7 additional prospects of a solution. It was thus thought
8 that the situation was taking a favorable turn, and
9 with regard to the China question Ambassador NOMURA
10 was instructed that Japan welcomed Secretary Hull's
11 suggestion and was ready to carry it out by negotiat-
12 ing with Chiang Kai-shek (defense documents No. 1401-G-2,
13 1401-J-2, and 1401-K-2)," the first of which I offer
14 in evidence. I am sorry, if I may interrupt myself; I
15 omitted reading one of the documents--

17 THE PRESIDENT: L-2.

18 MR. BLAKENEY (continuing) relating to the
19 preceding paragraph. I now offer it in evidence and
20 offer to read it.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1401-L-2
23 will receive exhibit No. 2929.

24 (Whereupon, the document above referred
25 to was marked defense exhibit 2929 and received
in evidence.)

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1 MR. BLAKENEY: I now read Exhibit No. 2929,
2 being a telegram from NOMURA to TOGO, dated November
3 13, 1941:

4 "At 3 P.M. today, the 12th, I called on Hull
5 with WAKASUGI (Ballantine being present) and talked
6 for about an hour and a half. As I requested their
7 reply to our proposal, Hull offered Document "A",
8 telegram No. 1083, and Document "B", telegram No.
9 1084. With respect to Document "A", Hull requested
10 me to refer it to Tokyo to learn whether the new
11 Cabinet also acknowledges it. With respect to
12 Document "B", he said that it was the explanation
13 of the suggestion regarding the Japanese-Chinese
14 peace to which he had referred at the previous con-
15 versation. He added that the China problem can be
16 settled if those principles be applied in China
17 which could be applied to all other matters, and that
18 the problem of non-discriminatory treatment in trade
19 is now being studied in this connection, and a plan
20 thereof can be worked out by day after tomorrow.
21 I said that, if the relation between the suggestion
22 and the present negotiations was such that the latter
23 could not be concluded in case Japan and China failed
24 to come to an agreement because of some difficult
25 problems such as stationing of troops, it would

1 in essence leave the key to Japanese-American rela-
2 tions in the hand of China, which we consider quite
3 improper. I inquired if it was meant that problems
4 between Japan and China be left to Japan and China,
5 and agreement be reached between Japan and the United
6 States with respect to other matters. Hull vaguely
7 replied that agreement could be reached if we applied
8 general principles to China, and went on to state
9 that though he had not disclosed the contents of the
10 talks to China, Britain and the Netherlands had been
11 informed of the general outlines and that he believed
12 it possible to get their signature simultaneously
13 with the United States once the basis of the negotia-
14 tions was established (he added that he could not,
15 however, make any guarantee of this.) Ballantine
16 intervened and said that it was stated in the Amer-
17 ican proposal of 21 June that the United States could
18 not take part in enforcing conditions contradictory
19 to the principles to which she has subscribed.
20 WAKASUGI said that we welcomed the idea of the
21 suggestion in Document "B", but that we desired to
22 know more about the concrete measures which would
23 be taken to obtain China's pledge; and asked whether
24 Secretary Hull meant to leave it to direct negotia-
25 tion between Japan and China, or that the United

1 States would obtain an assurance from China to that
2 effect and convey it to Japan, or that the matter
3 would be carried out through a tripartite conference
4 of Japan, America and China. Hull, however, seemed
5 to have no definite program therefor, but stated
6 that so long as the Japanese-American negotiations
7 are carried on in accordance with peaceful prin-
8 ciples a stage will, without fail, be reached when
9 the suggestion will be realized. WAKASUGI further
10 asking whether Hull meant to let China join the
11 negotiations at such a stage and to have her give
12 a pledge, he did not make a clear answer but merely
13 stated allegorically that it is often the case that
14 a controversy between two persons is solved through
15 the mediation of a third person, thereby implying
16 that the United States has an intention of tendering
17 its good offices for Japan and China.

18 "As I pointed out, with regard to the prob-
19 lem of stationing of troops, that we fixed in our new
20 proposal the area and duration of the stationing and
21 that it was no longer an indefinite stationing that
22 we propose, Hull said that interference in domestic
23 affairs of other countries is against a general
24 program for peace, that he is against permanent
25 stationing, and that he appreciates the clarifica-

1 "Hull stated with respect to the general
2 peace policy that he can hardly offer a satisfact-
3 ory explanation to the political leaders as well as
4 to the general public in the United States of her
5 stand on the Tripartite Pact when it is explained
6 on the one hand that the object of the Pact is peace-
7 ful, yet at the same time there is a strong conten-
8 tion that Japan is bound by it and is tied up with
9 Germany, that the project of Hitler is extremely
10 difficult of realization and the peoples of Europe
11 are suffering from it; that such a difficult under-
12 taking cannot last long so that we have sooner or
13 later to work on the post-war program; that the united
14 efforts of all countries are necessary in such work,
15 and Japan and the United States must cooperate in
16 the realization of the peace program as good leaders;
17 and that if in this way an agreement is reached
18 between Japan and the United States and including
19 the countries concerned such as Great Britain and
20 the Netherlands, over a general peace plan for the
21 entire Pacific, it will no longer be necessary for
22 Japan to stay in the Tripartite Pact and the reason
23 for the existence of the Pact will have disappeared.
24 I said that the significance of a treaty changes with
25 the surrounding circumstances -- for instance, the

1 Anglo-Japanese Alliance, which had been very useful
2 at the time of the Russo-Japanese War, was abrogated
3 at the time of the Washington Conference; that the
4 existence of a treaty of alliance is not necessarily
5 in conflict with a peace plan; that Japan does not
6 favor the use of force, but wants only to secure a
7 supply of oil and other materials from the United
8 States and the Netherlands Indies; and that we consid-
9 er that the United States has no objection to our
10 proposal concerning the problem of non-discriminatory
11 treatment in trade. Hull said in the end that the
12 United States is fully appreciative of the serious-
13 ness of the situation and is making an urgent study
14 of our proposal concerning the three pending issues;
15 and while it is impossible to settle over-night the
16 problems of more than ten years' standing, he expects
17 to be able to offer a reply day after tomorrow.

18 WAKASUGI repeated that the Diet is to be in session
19 on the 15th, and the situation is very pressing, and
20 that therefore we had expected to get a definite
21 reply today concerning our proposal, and emphasized
22 our desire to obtain clear and concrete reply to all
23 the problems by the day after tomorrow.

24 "In fine, the United States restricted
25 to-day's conversation to her request for our acknow-

1 ledgement of the 28 August statement (Document "A")
2 and the explanation of the suggestion of the other
3 day concerning Japanese-Chinese peace. As to the
4 three pending issues and our proposal of 25 September,
5 she merely informed us that they are under examina-
6 tion but that she is making haste to offer a reply.
7 As the progress of the negotiations is not satis-
8 factory I will have WAKASUGI tomorrow morning request
9 a speedy settlement of Hull."

10 I will now resume, if I may, with the
11 sentence which I have already read once:

12 "Not only were Secretary Hull's concurrence
13 in the clause respecting non-discrimination in trade
14 and his expression of appreciation of our clarifica-
15 tion of our position on stationing of troops in China
16 encouraging, but his new suggestion of having China's
17 highest authority pledge friendship seemed to offer
18 additional prospects of a solution. It was thus
19 thought that the situation was taking a favorable
20 turn, and with regard to the China Question Ambassa-
21 dor NOMURA was instructed that Japan welcomed
22 Secretary Hull's suggestion and was ready to carry
23 it out by negotiating with Chiang Kai-shek (Defense
24 Documents No. 1401-G-2, 1401-J-2 and 1401-K-2),"
25 the first of which I offer in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 THE CLERK OF THE COURT: Defense document
3 1401-G-2 will receive Exhibit No. 2930.

4 (Whereupon the document referred to
5 was marked Exhibit No. 2930 and received in
6 evidence.)

7 MR. BLAKENEY: I will now read the exhibit,
8 which is a telegram from TOGO to NOMURA, 9 November
9 1941:

10 "Reference to the last paragraph of your
11 telegram No. 1055.

12 "With regard to the China question, Secretary
13 Hull's idea of having China's highest authority make
14 a pledge may be interpreted as revealing an intention
15 of the United States to commit to direct Japanese-
16 Chinese negotiations the China question which has
17 so far been the crux of the Japanese-American nego-
18 tiations. Its purpose is presumably to have Chiang
19 Kai-shek propose peace talks with Japan. If that
20 is the case, the idea is an effective means of con-
21 tributing to the promotion of peace between Japan
22 and China, and the Japanese Government of course
23 welcomes it. The views of the Government on the
24 matter will be sent you in a separate telegram. You
25 are directed to find out details as to how the pro-

1 posal is to be dealt with in relation to the Japanese-
2 American negotiations, to ascertain as full particu-
3 lars as possible of the intention of the American
4 Government with respect to the concrete steps to
5 be taken in this matter, and to telegraph the
6 results."

7 I now offer in evidence Defense Document
8 1401-J-2.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document
11 1401-J-2 will receive Exhibit No. 2931.

12 (Whereupon the document referred to
13 was marked Exhibit No. 2931, and received in
14 evidence.)

15 MR. BLAKENEY: I read the telegram from
16 TOGO to NOMURA, 10 November 1941:

17 "Reference to my telegram No. 751.

18 "It is considered advisable to have Hull's
19 proposal realized. You are directed to talk with the
20 United States after referring to my separate telegram
21 No. 755 so as to persuade her to the realization of
22 the proposal."

23 MR. BLAKENEY: And the telegram therein re-
24 ferred to I offer in evidence as Defense Document
25 1401-K-2.

THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 1401-
2 K-2 will receive Exhibit No. 2932.

3 (Whereupon the document referred to
4 was marked Exhibit No. 2932, and received in
5 evidence.)

6 MR. BLAKENEY: I read the excerpt. This
7 is a telegram from TOGO to NOMURA, dated 10 November
8 1941.

9 "Reference to my telegram No. 754.

10 "Whereas the Japanese Government has, in
11 connection with the adjustment of Japanese-American
12 relations, endeavored to promote the solution of
13 the China Affair, and the United States Government
14 also has maintained that the China problem cannot be
15 excluded in considering the general peace of the
16 Pacific, it will meet the original desire of the
17 Japanese Government relative to the problem of peace
18 between Japan and China if the United States intends
19 at this juncture to proffer its good offices between
20 Japan and China in accordance with the line suggested
21 by Secretary Hull, and to leave the details of the
22 peace conditions to direct negotiation. By making
23 use of Hull's suggestion we can exclude the problem
24 of stationing and withdrawal of troops from the present
25

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1 negotiations, thereby expediting the conclusion
2 thereof, and we are also enabled to conduct
3 peace negotiations with China without the inter-
4 ference of the United States.

5 "In utilizing that suggestion; however,
6 we must first obtain a commitment or a statement
7 by the United States to the effect that the estab-
8 lishment of Japanese-Chinese peace would not be made
9 a condition for the conclusion of the Japanese-Amer-
10 ican negotiations, and that the United States would
11 not impede peace between Japan and China. (Cessation
12 of assistance to Chiang also should be included),
13 thereby making it clear that the agreement between
14 Japan and the United States should be speedily signed
15 and put into execution.

16
17 "(In substance, this will mean, with respect
18 to the China problem, that Article 3 of Proposal
19 "A", concerning the China Affair, in my telegram
20 No. 726 is replaced in the agenda of the Japanese-
21 American negotiations by the fourth clause of Pro-
22 posal "B" in my telegram No. 727 -- 'The Government
23 of the United States undertakes not to indulge in
24 measures and actions prejudicial to the endeavors
25 for the restoration of general peace between Japan
and China.' I trust that the suggestion of Hull was

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1 made out of a sincere desire on the part of the United
2 States for the speedy arrival at a Japanese-American
3 understanding, and that she offers her good offices
4 to Japan and China from such a point of view. However,
5 should it be the case that the United States intends
6 to postpone the settlement of other matters until
7 the establishment of the Japanese-Chinese peace, and
8 to continue assisting Chiang meanwhile, the accept-
9 ance of the suggestion will not only render Japanese-
10 American understanding impossible, but will result
11 in Japan's being held responsible for the failure
12 of the negotiations. It is desired that you bear
13 this in mind, and negotiate with caution."
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Resuming the reading of the affidavit:

"Ambassador NOMURA's report that Secretary Hull said that it would be possible to have Britain and the Netherlands sign an agreement simultaneously with the United States was further encouraging for the prospects of agreement based on Proposal "A". On the other hand, reports received from him of the President's attitude and of an Anglo-American agreement for military collaboration had aroused some misgivings (defense document No. 1401-H-2)," which is now offered in evidence.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 1401-H-2 will receive exhibit No. 2933.

(Whereupon, the document above referred to was marked defense exhibit No. 2933 and received in evidence.)

MR. BLAKENEY: I read the exhibit. This is a telegram from NOMURA to TOGO, 10 November 1941:

"1. I had Mr. Moore approach Mr. Thomas (member of the Senate Foreign Relations Committee and well acquainted with Mr. Hull). The gist of Mr. Moore's report is that the United States is not making a bluff, that if Japan engages in further aggression the United States will fight Japan, that the American people are

1 spiritually prepared, and that the United States
2 Navy is 'ready for action'.

3 "2. Yesterday evening, Sunday, I met a
4 Cabinet member. He caused the persons around him
5 to withdraw, and spoke to me in real earnest, with
6 the introductory remark, swearing by God to our in-
7 timate friendship, that he was telling this to no one
8 except myself. He said that the United States Govern-
9 ment had in its hands reliable information that Japan
10 would shortly take action, and that the United States
11 Government considered that neither my visit to the
12 President on Monday nor Mr. KURUSU's coming to the
13 United States would have any effect on the general
14 situation. Thereupon, I told him in detail that the
15 Japanese people had become impatient especially after
16 the freezing of Japanese assets, but that they want
17 a speedy conclusion of the pending negotiations and
18 to maintain friendship by all means, and that they
19 do not want a war against the United States.

20 "He said, however, that 'our Boss' (the
21 President) believed the above-mentioned information,
22 and so did the Secretary of State.

23 "In press comments, except those in the
24 Daily News and Hearst papers, a Japanese-American war
25 is far more popular than an American-German war, and

1 it is said that there are some Britons who are
2 trying to take advantage of that popularity. With
3 regard to Anglo-American military collaboration, an
4 agreement of views is reported already to have been
5 reached in preliminary conversations. Some urge the
6 necessity of having a part of the British fleet
7 sent to Singapore. It is not improbable that the
8 President, out of considerations of domestic politics,
9 may move in this direction. The said Cabinet member
10 said that the United States would not choose to
11 take action, but that, if Japan took action, the
12 United States would surely act for its honor in view
13 of the developments which have thus far occurred.

14 "3. In my interview with the President on
15 the 10th, I will do everything in my power in pur-
16 suance of your instructions."

17 Reverting to the affidavit: "The
18 ambassador's report of his meeting with Secretary
19 Hull on the 15th moreover, showing that the Secretary
20 raised various objections to Japan's proposals and
21 further said that it would be impossible, despite
22 his former statement, to arrange quickly to have the
23 other interested countries join an agreement, gave
24 rise to doubts among circles concerned in Japan of
25 the sincerity of the United States for the

1 negotiations (defense document 1401-J-3), which I
2 offer in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document
5 1401-J-3 will receive exhibit No. 2934.

6 (Whereupon, the document above
7 referred to was marked defense exhibit
8 No. 2934 and received in evidence.)

9 MR. BLAKENEY: I read the exhibit:

10 "From NOMURA to TOGO, 16 November 1941.

11 "The contents of the conversation of the
12 15th between Hull and myself, referred to in my
13 telegram No. 1095, were as follows:

14 "Hull said that the earnest efforts on the
15 part of the United States have ripened into the
16 present proposal concerning the problem of commerce.
17 He said, amplifying the contents of my previous tele-
18 gram 'A' of the 15th, that the United States has
19 already concluded commercial agreements with twenty-
20 two countries, all in accordance with its policy
21 of the most-favored nation treatment, removing ob-
22 stacles to the commerce of the world, actually suc-
23 ceeding in lowering the tariffs on 1,000 to 1,200
24 kinds of commodities. He declared that it is the
25 policy of the United States to apply generally the

1 principle of non-discrimination in commercial
2 relations, though the American contention for it was
3 not accepted at the London Economic Conference owing
4 to objections. (He added that Germany was one of
5 those opposing.) Referring to the Japanese proposal
6 to apply that principle to the entire Pacific area
7 on condition that it be applied to the rest of the
8 world, he stated that he hoped Japan would withdraw
9 the condition inasmuch as it would not be necessary
10 in the light of the above-mentioned American policy,
11 and as the United States cannot commit itself to
12 anything which concerns countries outside the juris-
13 diction of the United States. Hull thereupon presented
14 a proposal which has been transmitted by my telegram
15 'B' (dispatched on the 15th). WAKASUGI inquired,
16 thereupon, if this was a counter-proposal of the
17 American Government to the Japanese proposal concern-
18 ing the principle of non-discrimination in commercial
19 relations, which is one of the three problems sub-
20 mitted by the Japanese Government the other day. Hull
21 replied that it had a more comprehensive implication
22 with respect to its application. (Perhaps this means
23 that the substance of the proposal covers a wider
24 scope.) I replied that I would give an answer on due
25 consideration and after receiving instructions in this

1 connection from the Japanese Government I stated,
2 further, that we regarded the conversations as
3 negotiations, since we had officially proposed it
4 to the President and the Secretary of State. Hull
5 replied, referring to the necessity of further
6 negotiations with Britain, the Netherlands and other
7 countries concerned mentioned at the previous con-
8 ference, and also to the fact that the Foreign
9 Minister had requested Ambassador Grew in Tokyo to
10 conclude similar agreements with other countries
11 concerned, that it was untoward to enforce upon those
12 other countries without negotiating with them the
13 acceptance of the results of negotiations exclusively
14 between Japan and the United States, although the
15 Japanese Government might consider this as negotiations.
16 He said that the American Government wished to enter
17 upon negotiations after finding a basis for negotia-
18 tions and showing to those countries the fundamental
19 attitude of the United States toward that basis, and
20 that, accordingly, it could hardly be called negotia-
21 tions until we worked out the fundamental questions
22 to their satisfaction. It was not proper nor prac-
23 tical, to say that negotiations should be held
24 exclusively between Japan and the United States,
25 without negotiating with those other countries,

1 though it did not 'hinder' the exchange of views
2 between Japan and the United States. He made the
3 complaint that, though the Japanese Government
4 presses the American Government for prompt conclusion,
5 it is impossible to settle the matter so quickly,
6 since there is the desire of the Japanese Government
7 expressed by the Foreign Minister in his interview
8 with Ambassador Grew in Tokyo to have Britain, the
9 Netherlands and other countries concerned sign the
10 agreement simultaneously with the United States, and
11 the intention of those countries must also be taken
12 into consideration. Further, in connection with (6)
13 of the American proposal of 21 June concerning
14 political stability of the Pacific areas, Hull de-
15 clared that he wished to know the reasons why the
16 Japanese Government proposed to limit the matter
17 exclusively to the Southwestern Pacific instead of,
18 as the United States wished, extending it to the
19 entire Pacific areas, in spite of the fact that the
20 present conversation between the Secretary of State
21 and myself was concerned with the peace of the whole
22 Pacific area. He repeated, in this connection, what
23 he had often stated to me with respect to the peace
24 policy of Japan and the Tripartite Pact, and requested
25 reassurance of the peaceful promise which the Japanese

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1 Government had made on 28 August. I replied that,
2 though I believed there was no change in the spirit
3 of the statement of the Japanese Government in the
4 light of the fact that it was incorporated into our
5 present proposal, I would confirm it for the sake
6 of assurance. I emphasized, further, the earnest
7 efforts of the Japanese Government for the conclusion
8 of the agreement and for the peace of the Pacific,
9 and pointed out the fact that the preamble of the
10 Japanese proposal clearly manifests the Japanese
11 intention to establish and maintain peace in the
12 whole area of the Pacific although it is confined in
13 its text to the Southwestern Pacific. Hull answered,
14 however, that the preamble does not constitute a part
15 of the text, and it is the text which has the re-
16 strictive power, and he repeated his doubts as to
17 the peaceful intention of Japan. Pointing out the
18 contradiction that Japan maintains the military
19 alliance with Germany while wishing to conclude a
20 peace agreement with the United States, Hull stated
21 that, though he himself understands the explanation
22 of the Japanese Government, the general public of the
23 United States and the whole world, judging simply
24 from the stipulations of the alliance pact, would
25 laugh at the Government of the United States for

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1 concluding a peace agreement with Japan in spite
2 of such contradiction, and that it would be difficult
3 to make a convincing explanation thereof. He said,
4 again, that there will be no need for Japan to 'hold
5 on' to the Tripartite Pact if the agreement be con-
6 cluded between Japan and the United States, and that
7 it is a self-contradiction that Japan is inviting
8 Britain and the Netherlands, who are now fighting
9 with Germany, to participate in the peace agreement
10 between Japan and the United States, while maintaining
11 the military alliance with Germany, the enemy of Britain
12 and the Netherlands. I replied that, as to Japan's
13 relations with the Tripartite Pact, they have already
14 been explained in our proposal, and that, as I have
15 emphasized on the occasion of our previous conversa-
16 tion by the example of the Anglo-Japanese Alliance,
17 a pact of alliance is not inconsistent with an agree-
18 ment of peace. I stated, further, that the original
19 objective of the Pact consists in peace, and that the
20 German Government understands that it is not incom-
21 patible with peace between Japan and the United States.
22 Hull stated, in response to this, that, if Japan ad-
23 heres to the military alliance with Germany even
24 after the conclusion of the Japanese-American agree-
25 ment, the Government of the United States will find

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1 it very difficult to explain the situation to other
2 countries, and that, after all, the United States
3 does not wish to fall into such relations as exist
4 between Japan and the Soviet Union, who are concen-
5 trating vast forces on their border in spite of the
6 neutrality pact concluded between them. He repeated
7 that he hoped the Tripartite Pact would 'disappear'
8 (he used also an expression 'become a dead letter')
9 upon the conclusion of a peaceful agreement between
10 Japan and the United States. WAKASUGI inquired, there-
11 upon, if Hull meant to say that the conclusion of an
12 agreement between Japan and the United States was im-
13 possible so long as Japan did not secede from the
14 Tripartite Pact. Hull only repeated, however, that
15 he hoped the pact of alliance would be rendered a
16 dead letter as soon as an agreement was reached between
17 Japan and the United States, because the agreement of
18 peace contradicts the military alliance, and avoided
19 giving a definite answer. WAKASUGI further asked if
20 this could be considered as an answer to the Japanese
21 proposal concerning the right of self-defense, which
22 constitutes one of the remaining two questions. Hull
23 stated in reply that, as to those two questions, an
24 answer would be given after the above-mentioned assur-
25 ance of the Japanese Government concerning its peace

1 policy was given, and the Japanese intentions were
2 made clear in connection with the restriction to the
3 Southwestern Pacific of the American proposal for the
4 whole Pacific area and with the draft joint statement
5 concerning the economic policy presented today. I
6 told him thereupon that the reply of the American
7 Government at today's conversation would, in such a
8 strained situation, greatly disappoint the Japanese
9 Government and promised to resume the conversation
10 upon receiving further instructions.

11 "In short, Hull manifested, at today's
12 conversation, the concrete intention on the part of
13 the American Government with respect to the question
14 of commerce, but reserved any statement of definite
15 opinions regarding the other two questions. Judging
16 from what has been stated, however, it is considered
17 evident that he entertains a deep doubt as to our
18 peaceful intention in connection with Japan's relations
19 with its allies in Europe, and that he is of the opin-
20 ion that the China problem also must be investigated
21 from this viewpoint. Please confirm the Government
22 statement in question without delay, and give instruc-
23 tions promptly so that our reply to the American pro-
24 posal may be given."
25

Paragraph 16 of the affidavit:

1 "16. During this period additional attempted
2 concessions were offered in the effort to meet the
3 American position. The American Government having,
4 in its oral statement of 12 November (defense document
5 No. 1400-B-7), requested confirmation of the Japanese
6 position on a number of points communicated to the
7 President in August, the Foreign Ministry on 16
8 November confirmed that the present cabinet adhered
9 to the same position (defense documents Nos. 1401-0-2
10 and 1400-C-7)."

11 I now offer in evidence defense document
12 No. 1400-B-7.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Defense document
15 1400-B-7 will receive exhibit No. 2935.

16 (Whereupon, the document above
17 referred to was marked defense exhibit
18 No. 2935.)

19 MR. BLAKENEY: I read the exhibit which is
20 an excerpt from "Foreign Relations of the United States.

21 "Oral Statement Handed by the Secretary of
22 State to the Japanese Ambassador (NOMURA) on November
23 12, 1941.

24 "It will be recalled that the documents
25 communicated by the Japanese Ambassador to the

1 President of the United States on August 28, 1941
2 contained a statement of the position of the Japan-
3 ese Government in regard to its desire and intention
4 to pursue peaceful courses. That position was set
5 forth in excerpts taken from those documents as
6 follows:

7 "I * * * Japan is solicitous for the
8 maintenance of the peace of the Pacific and the peace
9 of the world and she desires therefore to improve
10 Japanese-American relations. * * *"

11 "I * * * In consequence, the Japanese
12 Government welcomes the invitation by the Govern-
13 ment of the United States to an exchange of views
14 in regard to basic policies and attitudes as the
15 foundation of an understanding that will condition
16 lasting and extensive peace in the Pacific area. For
17 such peace, the Government of Japan is ready: for
18 such a united effort toward a peaceful settlement
19 covering the entire Pacific situation the Government
20 of Japan, like the Government of the United States,
21 would be proud to make sacrifices. * * *"

22 "With reference to the stationing of Japan-
23 ese troops in Indo-China, it was stated:

24 "I * * * the Japanese Government has no
25 intention of threatening thereby other countries.

1 "Therefore, the Japanese Government is
2 prepared to withdraw its troops from Indo-China as
3 soon as the China Incident is settled or a just
4 peace is established in East Asia.

5 "Furthermore, in order to remove all
6 possible doubt in this regard, the Japanese Govern-
7 ment reaffirms herewith its repeated declaration that
8 its present action in Indo-China is not a preparatory
9 step for military advance into neighboring territories.'

10 "The statement was made specifically applic-
11 able to Thailand as follows:

12 "'The Japanese Government believes the above
13 pledge will suffice to clarify also Japan's intentions
14 toward Thailand.'

15 "Specific reference was also made to the
16 Soviet Union by the Japanese Government as follows:

17 "'As regards Soviet-Japanese relations, the
18 Japanese Government declares likewise that Japan will
19 take no military action as long as the Soviet Union
20 remains faithful to the Soviet-Japanese neutrality
21 treaty and does not menace Japan or Manchoukuo or take
22 any action contrary to the spirit of the said treaty.

23 * * *

24 "There was also a comprehensive statement,
25 as follows:

1 "Therefore, the Japanese Government is
2 prepared to withdraw its troops from Indo-China as
3 soon as the China Incident is settled or a just
4 peace is established in East Asia.

5 "Furthermore, in order to remove all
6 possible doubt in this regard, the Japanese Govern-
7 ment reaffirms herewith its repeated declaration that
8 its present action in Indo-China is not a preparatory
9 step for military advance into neighboring territories.'

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16 Soviet Union by the Japanese Government as follows:

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18 Japanese Government declares likewise that Japan will
19 take no military action as long as the Soviet Union
20 remains faithful to the Soviet-Japanese neutrality
21 treaty and does not menace Japan or Manchoukuo or take
22 any action contrary to the spirit of the said treaty.

23 * * *

24 "There was also a comprehensive statement,
25 as follows:

1 "In a word, the Japanese Government has
2 no intention of using without provocation, military
3 force against any neighboring nation.'

4 "With reference to the general program in
5 view, it was stated:

6 " * * * such discussions would naturally
7 envisage the working out of a progressive program,
8 obtainable by peaceful methods. The Japanese Govern-
9 ment shares fully that view with the Government of
10 the United States.

11 " * * * Regarding the principles and direc-
12 tives set forth in detail by the American Government
13 and envisaged in the informal conversations as con-
14 stituting a program for the Pacific area, the Japanese
15 Government wishes to state that it considers these
16 principles and the practical application thereof, in
17 the friendliest manner possible, are the prime requi-
18 sites of a true peace and should be applied not only
19 in the Pacific area but throughout the entire world.
20 Such a program has long been desired and sought by
21 Japan itself. * * *'

22 "Inasmuch as subsequent to the giving by the
23 Japanese Government of the foregoing statement of its
24 position a new cabinet has come into office in Japan,
25 this Government believes that it would be helpful, in

1 order to avoid the possibility of any misunderstanding,
2 if the Japanese Government could at this time confirm
3 that the position of the Japanese Government has not
4 changed.

5 "This Government, in its statement to the
6 Japanese Government of October 2, 1941, pointed out
7 that, although we were gratified to receive the
8 statement of the position of the Japanese Government,
9 we found it difficult to understand the need for the
10 qualification by the Japanese Government of its state-
11 ments of peaceful intent with what would seem to be
12 unnecessary qualifying phrases. We had in mind such
13 phrases as:

14 "'As long as the Soviet Union remains
15 faithful to the Soviet-Japanese neutrality treaty
16 and does not menace Japan or Manchoukuo or take any
17 action contrary to the spirit of the said treaty.'

18 "'Without provocation.'

19 "'Without any justifiable reason.'

20 "On October 13 the Japanese Minister, in a
21 conversation with the Under Secretary of State, said
22 that such qualifications were the result of unfortunate
23 phraseology and that the Japanese Government would be
24 willing to omit them. As this conversation took place
25 before the present Japanese Cabinet came into office,

1 it is believed that it would be helpful if the
2 position of the Japanese Government on this point
3 could be clarified and the statement of the Japanese
4 Minister be confirmed.

5 "The foregoing observations are not directed
6 to the new proposals put forward by the Japanese
7 Ambassador on November 7 and November 10, but are set
8 forth merely in an effort to make abundantly clear
9 the basis on which we are proceeding in order that
10 there may be avoided any misunderstanding on the
11 part either of the Japanese Government or of this
12 Government. It has not been and is not the purpose
13 of this Government to enter needlessly into a dis-
14 cussion of details. While presenting these preliminary
15 observations toward ensuring a common understanding,
16 this Government will expect to do everything it can
17 to expedite consideration of the latest proposals of
18 the Japanese Government."

19 THE MONITOR: Mr. Blakeney, the language
20 section did not have the Japanese text for the second
21 page of the exhibit just read, 2935, and it was not
22 read in the Japanese.

24 THE PRESIDENT: We will recess for fifteen
25 minutes.

(Whereupon, at 1445, a recess was

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1 taken until 1500, after which the
2 proceedings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Blakeney.

4 MR. BLAKENEY: In connection with the contretemps
5 which arose before the recess, that is, the missing
6 Japanese version of part of the last exhibit read,
7 2935, apparently the error is in processing; there is
8 no complete Japanese version, and I suggest that a
9 translation of that part will be supplied for reading
10 the first thing Monday morning.

11 THE PRESIDENT: Well, the accused should
12 hear these things as they are read, not simultaneously
13 necessarily.

14 MR. BLAKENEY: Yes, sir, I appreciate it is
15 not very satisfactory, but it seems to be the best we
16 can do in the circumstances.

17 I now offer in evidence defense document
18 No. 1401-0-2.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document
21 1401-0-2 will receive exhibit No. 2936.

22 (Whereupon, the document above
23 referred to was marked defense exhibit
24 No. 2936 and received in evidence.)

25 MR. BLAKENEY: And I read the exhibit, which

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1 is a telegram from TOGO to NOMURA dated 16 November
2 1941.

3 "Reference to your telegram No. 1083.

4 "1. You are directed to make the following
5 reply on the problem of acknowledgment.

6 "Those points in the statement of the
7 Imperial Government of 28 August which are enumerated
8 in the "Oral Statement" of the United States (only
9 those points which are enumerated in the "Oral
10 Statement" should be quoted) are all contained in our
11 proposals of 6 and 25 September and the present Cabi-
12 net has no objection to acknowledging them. These
13 points, however, presuppose the consummation of the
14 Japanese-American negotiations; it goes without saying
15 that they shall not bind Japan alone in case the
16 negotiations end in failure. We should like to have
17 this point clearly understood.'

18 "2. The phrase 'without provocation' is used
19 in the reply of the Imperial Government of 28 August
20 with respect to the use of force in general; in the
21 same reply we say, regarding the Soviet problem, 'as
22 long as the Soviet Union remains faithful to the
23 Soviet-Japanese Neutrality Treaty'; there is a phrase
24 in our proposal of 6 September 'without any justifiable
25 reason.' These terms mean the same thing in the end.

1 Rather detailed stipulations are made regarding
2 the Soviet Union because of the Soviet-Japanese
3 Neutrality Treaty and of the situation arising out of
4 the Russo-German war. These complications are only
5 natural and necessary for Japan as an independent
6 state, and it goes without saying that they do not
7 by any means suggest qualification of our peaceful
8 intent."

9 And I now offer in evidence defense document
10 No. 1400-C-7.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document
13 1400-C-7 will receive exhibit No. 2937.

14 (Whereupon, the document above
15 referred to was marked defense exhibit
16 No. 2937 and received in evidence.)

17 MR. BLAKENEY: This is an excerpt from
18 Foreign Relations of the United States, being an oral
19 statement handed by the Japanese Ambassador NOMURA
20 to the Secretary of State on November 17, 1941.

21 (Reading): "Reference is made to the oral
22 statement handed by the Secretary of State to the
23 Japanese Ambassador on November 12, 1941, and, under
24 instructions from his Government, the Japanese Am-
25 bassador states as follows:

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1 "1. That all the points contained in the
2 excerpts which the Secretary of State quoted in the
3 oral statement are embodied in the proposals which
4 the Japanese Government made to the United States
5 Government on the 6th and 25th of September last and
6 the present Japanese Cabinet also has no objection
7 whatever to confirming these points as expressing
8 its general purport. It is, however, to be taken
9 for granted that such confirmation has the success-
10 ful conclusion of the present negotiations between the
11 Japanese and United States Governments as its pre-
12 requisite, and that is, failing by any chance such
13 successful conclusion, the Japanese Government is
14 naturally not to be left bound by its commitment on
15 the points above mentioned.

16 "2. In regard to the phrases quoted in
17 the oral statement as modifying the peaceful intent
18 of the Japanese Government, it is to be explained
19 that the phrases in question were after all for the
20 purpose of expressing one and the same intent and
21 that, in the case of Soviet Russia in particular,
22 a more or less detailed stipulation was made out of
23 considerations of the existing Soviet-Japanese
24 neutrality treaty and its relation to the war between
25 Germany and Soviet Russia. These phrases were used

1 only in order to express the qualification which is
2 due to and necessary for an sic sovereign state and
3 were not intended to limit or narrow down in any way
4 the peaceful intentions of the Japanese Government."

5 Reverting to the affidavit:

6 "Japan further agreed, at the American
7 request, to the deletion from the proposal of 25
8 September of the restriction of the question of
9 political stabilization to the Southwestern Pacific
10 area, defense documents Nos. 1401-P-2 and 1400-D-7,"
11 the first of which I now offer in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document
14 1400-P-2 will receive exhibit No. 2938.

15 (Whereupon, the document above
16 referred to was marked defense exhibit
17 No. 2938 and received in evidence.)

18 MR. BLAKENEY: I read the exhibit, which is
19 a telegram from TOGO to NOMURA, 17 November 1941.

20 "In reference to your telegram No. 1110.

21 "We have no objection to applying it, as
22 proposed by the United States, to the entire Pacific
23 area, and therefore no objection to striking out
24 'Southwestern' from Article 6 of our 25 September
25 proposal."

1 I now offer in evidence defense document
2 No. 1400-D-7.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document No.
5 1400-D-7 will receive exhibit No. 2939.

6 (Whereupon, the document above
7 referred to was marked defense exhibit
8 No. 2939 and received in evidence.)

9 MR. BLAKENEY: I read the exhibit, which is
10 an excerpt from Foreign Relations of the United States
11 embodying an oral statement handed by the Japanese
12 Ambassador NOMURA to the Secretary of State on
13 November 17, 1941.

14 "The Japanese Ambassador has been authorized
15 to state that the Japanese Government has no objection
16 whatever to apply the principle of political stabili-
17 zation to the entire area of the Pacific and that the
18 Japanese Government is willing to eliminate the word
19 'southwestern' from the text of Article VI of its
20 proposal of September 25th."

21 Returning to the affidavit:

22 "Upon the American request, it was made clear
23 that the great majority of the Japanese troops would
24 be withdrawn from China upon the reaching of an agree-
25 ment, defense document No. 1400-F-7," which I offer

1 in evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Defense document
4 1400-F-7 will receive exhibit No. 2940.

5 (Whereupon, the document above
6 referred to was marked defense exhibit
7 No. 2940 and received in evidence.)

8 MR. BLAKENEY: And I shall read at this
9 time only the first and the last paragraphs of the
10 exhibit, which is an excerpt from Foreign Relations of
11 the United States, "Memorandum of a Conversation,
12 Washington, November 18, 1941."

13 "The Japanese Ambassador and Mr. KURUSU
14 called on the Secretary by appointment made at their
15 request, at the Department.
16

17
18 "Turning to the China situation the Secre-
19 tary asked how many soldiers the Japanese wanted to
20 retain in China. The Ambassador replied that possibly
21 90 per cent would be withdrawn."

22 Returning to the affidavit:

23 "The American attitude nevertheless con-
24 tinued lukewarm; Ambassador KURUSU joined the nego-
25 tiations from 17 November, but despite his efforts
the negotiations showed no progress and the situation

1 did not improve. In these circumstances, the
2 Foreign Minister reported to the Liaison Conference
3 that there was no prospect of American acceptance of
4 Proposal 'A,' and the presentation of Proposal 'B'
5 was authorized. Ambassador NOMURA was accordingly
6 directed to present it, which was done on the 20th.

7 "The Negotiations, 20-26 November

8 "17. Proposal 'B' has already been fully
9 explained above. It having been formulated, after
10 much discussion, with a view to making the greatest
11 possible concessions, we expected it to be favorably
12 entertained by the United States, in the light of a
13 modus vivendi to promote a more favorable atmosphere
14 in which negotiations could be carried on, as was
15 explained to Secretary Hull on the 20th, defense
16 document No. 1401-R-2," which I offer in evidence.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document
19 1400-R-2 will receive exhibit No. 2941.

20 (Whereupon, the document above
21 referred to was marked defense exhibit
22 No. 2941 and received in evidence.)
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1 MR. BLAKENEY: I read the telegram.

2 "From NOMURA to TOGO, 21 November 1941.

3 "The following is the gist of the conversation
4 with Secretary Hull on the 20th.

5 "Accompanied by Ambassador KURUSU, I called
6 on Hull, he having given ready consent to our meeting
7 although it was Thanksgiving Day, one of the most
8 important holidays in the United States. I explained
9 the items in accordance with the instructions of your
10 telegram No. 798. Hull showed complete disapproval of
11 the item 'The Government of the United States under-
12 takes not to indulge in measures and actions prejudi-
13 cial to the endeavors for the restoration of general
14 peace between Japan and China,' though, as regards
15 the rest of the items, he expressed no special opinion,
16 merely putting one or two questions. He dilated upon
17 the assertions of the American Government in connection
18 with the Tripartite Pact, and declared that, so long
19 as there dwelt in the minds of the American people a
20 persistent doubt which was rooted in Japan's relations
21 to the pact, it would be extremely difficult to stop
22 aid to Chiang Kai-shek. He again pointed out that
23 the present policy of the United States is to assist
24 Britain on the one hand and to aid Chungking on the
25 other, against the German policy of limitless armed

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1 expansion, and stated that it is just as difficult to
2 change the policy of aiding Chiang Kai-shek as to stop
3 assistance to Britain, so long as it remains unclear
4 whether Japan's attitude toward peace is unwavering.
5 In the meantime, American interests in China (and
6 Manchuria) have suffered heavy damage, bringing about
7 the present situation.

8 "KURUSU reminded Hull of the President's
9 statement at our previous interview that he would be
10 the introducer in connection with the question of peace
11 between Japan and China, and said that since the
12 President has expressed his intention to be the intro-
13 ducer, it is only natural that Japan should request
14 the stopping of aid to the Chiang Kai-shek regime, as
15 it is self-contradictory for him on the one hand to
16 continue to aid Chungking, which is destructive to the
17 realization of peace, and on the other to use his
18 influence to restore peace between Japan and China.
19 Hull stated in reply that the President had so spoken
20 on the assumption that the fundamental policy of the
21 Japanese Government would be peaceful, and that it
22 is difficult for Americans to believe in Japan's return
23 to its former policy of peace, in view of the fact
24 that up to now certain influential statesmen of Japan
25 have often been advocating the Hitlerian armed expansion

1 policy.

2 "I explained to Hull that the new proposal of
3 today was presented in the circumstances that
4 Proposal 'A' has made no progress, stumbling on two or
5 three points, while the situation has been getting
6 extremely tense, and that its aim lies in first relaxing
7 the strained relations between Japan and the United
8 States, especially in the Southwestern Pacific, there-
9 by contributing to the restoration of amicable feel-
10 ings between the two nations, and in promoting the
11 negotiations thereafter. Hull said in reply that,
12 though he fully appreciates the intention of the
13 Japanese Government, there are such difficulties as
14 those mentioned above, and he added with a grave face
15 that he and I bear a weighty responsibility for the
16 Japanese and American nations as well as for the whole
17 of mankind. He said that with respect to the proposed
18 points, he hoped to talk them over further after
19 studying them with full sympathy."
20

21 Continuing with the affidavit:

22 "We understood that on the 17th President
23 Roosevelt had said to Ambassadors NOMURA and KURUSU
24 that he did not propose to intervene between Japan
25 and China, but merely to act as an introducer (defense
document No. 1401-Q-2," which I offer in evidence.

1 policy.

2 "I explained to Hull that the new proposal of
3 today was presented in the circumstances that
4 Proposal 'A' has made no progress, stumbling on two or
5 three points, while the situation has been getting
6 extremely tense, and that its aim lies in first relaxing
7 the strained relations between Japan and the United
8 States, especially in the Southwestern Pacific, there-
9 by contributing to the restoration of amicable feel-
10 ings between the two nations, and in promoting the
11 negotiations thereafter. Hull said in reply that,
12 though he fully appreciates the intention of the
13 Japanese Government, there are such difficulties as
14 those mentioned above, and he added with a grave face
15 that he and I bear a weighty responsibility for the
16 Japanese and American nations as well as for the whole
17 of mankind. He said that with respect to the proposed
18 points, he hoped to talk them over further after
19 studying them with full sympathy."

20
21 Continuing with the affidavit:

22 "We understood that on the 17th President
23 Roosevelt had said to Ambassadors NOMURA and KURUSU
24 that he did not propose to intervene between Japan
25 and China, but merely to act as an introducer (defense
document No. 1401-Q-2," which I offer in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Defense document 1401-Q-2
3 will receive exhibit No. 2942.

4 (Whereupon, the document above
5 referred to was marked defense exhibit
6 No. 2942 and received in evidence.)

7 MR. BLAKENEY: I read the exhibit, which is a
8 telegram from NOMURA to TOGO, 17 November 1941.

9 "At 10:30 a.m. on the 17th I with Ambassador
10 KURUSU called on Secretary Hull.

11 "Hull opened the conversation by saying that
12 the present situation had been brought about because
13 there were no far-sighted statesmen after the last
14 war, and that we must even today prepare to save the
15 world from a repetition of such a situation.

16 "KURUSU expressed sympathy with the idea, and
17 said that the United States and Japan, neither of
18 which has yet joined in the European War, have great
19 responsibility in meeting the situation, but that there
20 are more immediate problems which have to be solved
21 between the two countries and about which concrete
22 discussions should at once be started. He continued
23 (after describing how he had come over to the United
24 States at the request of you and the Premier) that the
25 Premier is sincerely desirous of the conclusion of

1 the negotiations, and holds greater hope for their
2 success than one imagines, and that of the three
3 problems at issue between Japan and the United States --
4 nondiscriminatory treatment in trade, the Tripartite
5 Pact, and withdrawal of troops -- the Premier is very
6 hopeful of settlement respecting the first two, and
7 much concerned about the last point of withdrawal of
8 troops.

9 "As the appointment with the President drew
10 near, Hull suggested that the conversation be resumed
11 in the presence of the President and we all left the
12 room. At 11:00 we were received by the President with
13 Secretary Hull. KURUSU stated that the present cabinet
14 is, as he had told Secretary Hull, very earnest about
15 the Japanese-American negotiations; that the President
16 as a statesman must have sufficient appreciation of
17 the frame of mind of the Japanese people, who have
18 been in the China Affair for over four years; that
19 even a layman such as himself had observed at Hong
20 Kong, Manila and other islands that the situation was
21 tense militarily and might explode any minute; that
22 such a situation serves no purpose whatsoever for the
23 two countries (the President agreed). Japan, he said,
24 is desirous of the success of the negotiations, but the
25 time element has to be taken into consideration because

1 the economic and military ability of Japan to defend
2 herself would deteriorate with procrastination; Japan
3 cannot submit to complete surrender without doing any-
4 thing to avoid it; and therefore, though Japan is
5 earnest about the success of the negotiations, they
6 must at the same time be concluded speedily.

7 "The President reminded us that Secretary
8 of State Bryan once told Baron Chinda that 'there is
9 no last word between friends,' and said that, whereas
10 many non-aggression pacts in the past have now all
11 become 'out of date,' he considers that it is possible
12 to save the situation by arriving at some 'general
13 understanding' between Japan and the United States.

14 "KURUSU offered his personal opinion in agree-
15 ment with the President's suggestion. As he looked at
16 it, he said, the real issues in the Japanese-American
17 negotiations are ultimately the question of how Japan
18 should harmonize the Tripartite Pact with the negotia-
19 tions, and the question how the United States could
20 adjust her various insistences with respect to the
21 solution of the China problem, and the negotiations.
22 As to the Tripartite Pact, he explained, Japan has
23 treaty obligation as well as her honor as a world power,
24 and does not dare commit treaty violations. It is not
25 to be assumed that the United States -- who has been a

1 strong advocate of observance of international commit-
2 ments -- would request Japan to violate one. Inasmuch
3 as the object of the Tripartite Pact lies particularly
4 in preventing extension of war and in maintenance of
5 peace, it should be possible to solve this point some-
6 how. As to the solution of the China problem, KURUSU
7 said, it should be understood that Japan cannot accept
8 proposals which it is not possible to put into practice,
9 however attractive they may sound.

10 "The President said that he has heard of the
11 difficulties in withdrawing troops in relation to
12 the China problem. The United States, he said, has no
13 intention either to 'intervene' or to 'mediate' the
14 problems between Japan and China, but means only to
15 be an 'introducer,' though the term may not be one
16 of diplomatic usage.

17 "KURUSU said that, whereas Japan has stated
18 that her action with respect to the obligation to go
19 to war under the Tripartite Pact will be determined
20 entirely independently, it appears that the United
21 States took it to mean that Japan intended to stab
22 the United States in the back when she had become
23 deeply entangled in the European war. He stated that
24 such an interpretation was entirely wrong, and that
25 clarification had been made, to the effect that Japan

1 would, under the influence of Germany, move at Germany's
2 demand. If some such broad understanding as was sug-
3 gested by the President were reached at the present
4 moment between Japan and the United States concerning
5 the pacific problems, KURUSU went on, it would
6 naturally 'outshine' the Tripartite Pact, and American
7 apprehension over the problem of application of the
8 pact would consequently be dissipated.

9 "Secretary Hull then intervened and described
10 in detail the German policy of aggression. He said
11 that if Germany succeeded in the conquest of Britain
12 she would establish various puppet regimes in South
13 America, and launch an attack against the United
14 States with the British fleet; that as it would be
15 too late then for the United States to cope with her,
16 the United States must defend herself now; and that
17 this is the self-defense of the United States and Japan
18 must understand it. He thus described his own theory
19 in detail. The President added that the map showing
20 the Central and South American policy of Germany, to
21 which he referred in his recent speech, is a real
22 thing obtained from German government sources.

23
24 "KURUSU said that inasmuch as we are discussing
25 peace in the Pacific, and as the President refers to
a Japanese-American general understanding, Central and

1 South America will be covered in it because one side
2 of the Western Hemisphere faces the Pacific Ocean;
3 that it is, therefore, impossible that Japan should
4 become a partner of one who would disturb the peace of
5 the Western Hemisphere. Although it is argued that
6 the conclusion of the present negotiations will be
7 criticized as allowing Japan to have a peaceful treaty
8 with the United States on the one hand and to cooperate
9 with Germany on the other, Japan's peaceful policy
10 will be proved to the American people if Japan, in
11 accordance with the commitment made by her, withdrew
12 her troops from French Indo-China upon establishment
13 of the equitable peace in the Pacific; and that at
14 any rate it is urgently necessary to settle the issues
15 now being discussed between Ambassador NOMURA and
16 Secretary Hull.

17 "Secretary Hull said that he would like to
18 continue the discussion further, and that he would
19 like to have opinions from new angles offered by
20 Ambassador KURUSU, for he has been talking with Ambassa-
21 dor NOMURA repeatedly and going round and round the
22 same point. The President agreed with this, and told
23 me and KURUSU that as he will be in Washington until
24 Saturday (the 22nd) he will be glad to see us at any
25 time that we may desire in accordance with the progress

1 of the talks with Secretary Hull."

2 I return to the affidavit.

3 "On the 21st Secretary Hull, referring to
4 Ambassador KURUSU's earlier suggestion of disposing
5 of the Tripartite Pact question by conclusion of an
6 important Japanese-American agreement which would out-
7 shine it, showed sympathy with it, and indicated also
8 that he considered it natural that Japan should have
9 the leadership of East Asia and that he was ready to
10 understand the idea of the Greater East Asia Co-
11 Prosperity Sphere (defense document No. 1401-S-2),"

12 which is offered in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Defense document
15 1401-S-2 will receive exhibit No. 2943.

16 (Whereupon, the document above
17 referred to was marked defense exhibit
18 No. 2943 and received in evidence.)

19 MR. BLAKENEY: This is a telegram from NOMURA
20 to TOGO, 23 November 1941.

21 "In reference to my telegram No. 1159 from
22

23 KURUSU:

24 "I had a private talk with Secretary Hull for
25 about thirty minutes on the 21st with a view to making
advance arrangements about the conversation of the

1 22d. He expressed his sympathy with my reference,
2 made at the conversation of the 18th, to an important
3 agreement which would 'outshine' the Tripartite Pact,
4 and told me that he, too, considered it a good idea.
5 He also revealed that it was his sincere desire that
6 the two countries cooperate in maintaining the peace
7 of the Pacific and contributing to the establishment
8 of world peace, and added that he still cherished as
9 a happy memory that he had fought for the freedom of
10 commerce jointly with Viscount ISHII and Mr. Fukai
11 EIGO at the London Economic Conference. He seemed
12 to consider it very natural that Japan should be the
13 leader-state of East Asia, and he was not reluctant
14 to understand the idea of Greater East Asia Co-prosperity
15 Sphere, apart from the rather awkward nomenclature.
16 He declared further that, so long as Japan had no design
17 to subdue other countries by force, the United States
18 had no intention of interfering with it. Then he
19 expressed his earnest desire that such friendly rela-
20 tions should be restored as had prevailed when,
21 directly after the Russo-Japanese War, Japan and the
22 United States cooperated as leader-states, the one in
23 East Asia and the other in the Western Hemisphere
24 respectively, and added that he believed it to be a
25 good idea that the two countries should come to an

1 agreement upon the peace of the Pacific in the above
2 frame of mind and that Japan should declare simulta-
3 neously that the Tripartite Pact is not to interfere
4 with the execution of the agreement.

5 "It may be regarded as too roundabout a way,
6 to study such an idea at this very juncture when the
7 situation is so tense that the breakdown of negotiations
8 may be unavoidable with the American reaction to our
9 proposal 'B'. Nevertheless, there is still the pos-
10 sibility, as forecast in my telegram referred to above,
11 that Hull will make some proposal on Monday (the
12 24th) in connection with the Pacific agreement. I should
13 be very much obliged if you would promptly instruct me
14 if you have any idea how to make use of this idea as a
15 means to effect a break in the present deadlock."
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1 22d. He expressed his sympathy with my reference,
2 made at the conversation of the 18th, to an important
3 agreement which would 'outshine' the Tripartite Pact,
4 and told me that he, too, considered it a good idea.
5 He also revealed that it was his sincere desire that
6 the two countries cooperate in maintaining the peace
7 of the Pacific and contributing to the establishment
8 of world peace, and added that he still cherished as
9 a happy memory that he had fought for the freedom of
10 commerce jointly with Viscount ISHII and Mr. Fukai
11 EIGO at the London Economic Conference. He seemed
12 to consider it very natural that Japan should be the
13 leader-state of East Asia, and he was not reluctant
14 to understand the idea of Greater East Asia Co-prosperity
15 Sphere, apart from the rather awkward nomenclature.
16 He declared further that, so long as Japan had no design
17 to subdue other countries by force, the United States
18 had no intention of interfering with it. Then he
19 expressed his earnest desire that such friendly rela-
20 tions should be restored as had prevailed when,
21 directly after the Russo-Japanese War, Japan and the
22 United States cooperated as leader-states, the one in
23 East Asia and the other in the Western Hemisphere
24 respectively, and added that he believed it to be a
25 good idea that the two countries should come to an

1 agreement upon the peace of the Pacific in the above
2 frame of mind and that Japan should declare simulta-
3 neously that the Tripartite Pact is not to interfere
4 with the execution of the agreement.

5 "It may be regarded as too roundabout a way,
6 to study such an idea at this very juncture when the
7 situation is so tense that the breakdown of negotiations
8 may be unavoidable with the American reaction to our
9 proposal 'B'. Nevertheless, there is still the pos-
10 sibility, as forecast in my telegram referred to above,
11 that Hull will make some proposal on Monday (the
12 24th) in connection with the Pacific agreement. I should
13 be very much obliged if you would promptly instruct me
14 if you have any idea how to make use of this idea as a
15 means to effect a break in the present deadlock."
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1 "On the basis of these and other reports
2 from Washington, the Japanese government offices
3 concerned were hopeful of success in the negotiations.
4 The possibility of success being foreseen, instructions
5 were sent to the Embassy relative to the quantity of
6 oil which would be required to implement an agreement
7 under Proposal 'B' (defense document No. 1401-W-2),"
8 which I offer in evidence.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 1401-W-2
11 will receive exhibit No. 2944.

12 (Whereupon, the document above
13 referred to was marked defense exhibit
14 No. 2944 and received in evidence.)

15 MR. BLAKENEY: I read the exhibit:

16 "From TOGO to NOMURA

17 "26 November 1941

18 "In reference to my telegram No. 798.

19 "In case an agreement is reached on the basis
20 of our new proposal, Japan will be faced with the
21 immediate necessity of securing the economic resources
22 in connection with Articles 2 and 3 thereof. As
23 petroleum is urgently needed by Japan, you are directed
24 to convey, as the negotiations develop but prior to
25 the signing of the agreement, our desire for annual

1 imports of 4,000,000 tons from the United States
2 (which is the average of the imports in 1938, 1939
3 and 1940--and the proportion of the various petroleum
4 products to be imported is to be based on actual imports
5 before the freezing of assets, aviation gasoline
6 being included), that is 333,000 tons per month; and
7 of 2,000,000 tons from the Netherlands East Indies,
8 which is calculated on the basis of the amount virtually
9 agreed upon between the Governments (the Netherlands
10 East Indies agreed to supplying yearly 1,800,000 tons).
11 It is further desired that upon the conclusion of the
12 agreement, assurance be obtained in the form of exchange
13 of notes between you and the Secretary of State.

14 "The above figures are only a rough estimate
15 which is to be the standard in the negotiations, and
16 we hope that the quantity will gradually be increased
17 as commercial relations shall be restored hereafter.
18 This is for your information."

19 (Reading from the affidavit):

20 "Reports from the Washington Embassy indicated,
21 however, that Secretary Hull had suddenly changed his
22 attitude. Further clarifications of the Tripartite
23 Pact question offered by Ambassador KURUSU found the
24 Secretary uninterested (defense documents Nos. 1400-F-7
25 and 1400-C-7)," The former of these is exhibit 2940 to

1 which I now return to read the unread portions.

2 I read the remainder of the exhibit, commencing
3 with the second paragraph thereof:

4 "Turning to the question of the Tripartite
5 Pact, Mr. KURUSU said that he could not say that Japan
6 would abrogate the Tripartite Pact but that Japan might
7 do something which would 'outshine' the Tripartite Pact.

8 "The Ambassador repeated that the situation
9 in Japan was very pressing and that it was important
10 to arrest a further deterioration of the relations
11 between the two countries. He suggested that if this
12 situation could now be checked an atmosphere would
13 develop when it would be possible to move in the direction
14 of the courses which this Government advocated. He
15 pointed out that big ships cannot turn around too
16 quickly, that they have to be eased around slowly and
17 gradually.

18 "Mr. KURUSU pointed out that a comprehensive
19 solution cannot be worked out immediately, that he
20 could make no promises. He said that our freezing reg-
21 ulations had caused impatience in Japan and a feeling
22 that Japan had to fight while it still could. If we
23 could come to some settlement now, he said, it would
24 promote an atmosphere which would be conducive to
25 discussing fundamentals. The Secretary asked if he did

1 not think that something could be worked out on the
2 Tripartite Pact. The Ambassador said that he desired
3 to emphasize that Japan would not be a cat's-paw
4 for Germany, that Japan's purpose in entering into the
5 Tripartite alliance was to use it for Japan's own
6 purposes, that Japan entered the Tripartite Pact
7 because Japan felt isolated. The Secretary observed that
8 it would be difficult to get public opinion in this
9 country to understand the situation as Mr. KURUSU had
10 described it.

11 "He then asked what the Ambassador had in
12 mind in regard to the Chinese situation and whether
13 the Japanese stood for no annexations, no indemnities,
14 respect for China's sovereignty, territorial integrity
15 and the principle of equality. The Ambassador replied
16 in the affirmative."

17 THE PRESIDENT: This document is dated
18 November 18th and it is read on negotiations November
19 20-26.

20 MR. BLAKENEY: Yes. Your Honors may note that
21 in many instances the affidavit is not strictly
22 chronological because it has gone back to pick up a
23 different thread, which is what has happened here, and
24 it is quite possible that this point should have been
25 inserted earlier, but it crept in here by inadvertence.

1 I continue by offering in evidence defense
2 document 1400-G-7.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document 1400-G-7
5 will receive exhibit No. 2945.

6 (Whereupon, the document above
7 referred to was marked defense exhibit
8 No. 2945 and received in evidence.)

9 MR. BLAKENEY: And I read the exhibit which
10 is an excerpt from Foreign Relations of the United
11 States, being a "Memorandum by the Secretary of State,
12 Washington, November 21, 1941.

13 "Ambassador KURUSU called at my hotel apartment
14 at his request. He had no business to take up with me
15 except to refer to the Japanese interpretation of the
16 Tripartite Pact and handed me a draft of a paper which
17 he proposed to sign by way of attempted clarification.
18 I looked at the paper and then asked Mr. KURUSU whether
19 he had anything more on the whole subject of a peaceful
20 settlement to offer. He replied that he did not. I
21 said that I did not think this would be of any
22 particular help and so dismissed it. This was virtually
23 all that was said of importance.

24 "C(ordell) H(ull)

25 "Annex

1 "Draft Letter Handed by Mr. Saburo KURUSU
2 to the Secretary of State on November 21, 1941

3 "Washington, November 20, 1941

4 "Mr. Secretary: Through several conversations
5 I have had the honor of holding with Your Excellency,
6 I was rather surprised to learn that a deep-seated
7 misconception prevails among your people about the
8 obligation which Japan assumed under the Tripartite
9 Pact.

10 "As your Excellency is fully aware I am
11 the one who signed the said treaty under the instructions
12 of my Government; and I am very happy to make the
13 following statement which I trust will serve to
14 eradicate the aforesaid false impression:

15 "It goes without saying that this treaty can
16 not and does not infringe, in any way, upon the
17 sovereign right of Japan as an independent state.

18 "Besides, as Article III of the Pact stands,
19 Japan is in a position to interpret its obligation freely
20 and independently and is not to be bound by the
21 interpretation which the other high contracting parties
22 may make of it. I should like to add that my Government
23 is not obligated by the aforementioned treaty or any
24 other international engagement to become a collaborator
25 or cooperator in any aggression whatever by any third

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1 Power or Powers.

2 "My Government would never project the people
3 of Japan into war at the behest of any foreign Power:
4 it will accept warfare only as the ultimate, in-
5 escapable necessity for the maintenance of its security
6 and the preservation of national life against active
7 injustice.

8 "I hope that the above statement will assist
9 you in removing entirely the popular suspicion which
10 Your Excellency has repeatedly referred to. I have
11 to add that, when a complete understanding is reached
12 between us, Your Excellency may feel perfectly free to
13 publish the present communication.

14 "I have the honor, etc."

15 Returning to the affidavit:
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1 "The Ambassador reported that he had declared
2 that withdrawal of Japanese forces from Southern Indo-
3 China was of no help, and that the time was not ripe
4 for the so-called introduction by the President be-
5 tween Japan and China (defense document No. 4101-T-2)"
6 which I offer in evidence.

7 THE PRESIDENT: Admitted on the usual terms.
8 CLERK OF THE COURT: Defense document
9 1401-T-2 will receive exhibit No. 2946.

10 (Whereupon, the document above
11 referred to was marked defense exhibit
12 No. 2946 and received in evidence.)

13 MR. BLAKENEY: The exhibit is a telegram:

14 "From NOMURA to TOGO

15 "23 November 1941

16 "In reference to my telegram No. 1160:

17 "The essence of the conversation of the even-
18 ing of the 22nd was that Japanese-American trade will
19 gradually be restored if Japan adopts a policy of
20 peace. As to the cooperation of the Powers concerned,
21 the Secretary of State told me that he had already the
22 day before conferred fully on the matter with the
23 representatives of those Powers, and that as they
24 would communicate with their respective governments by
25 Monday, he would confer further with them thereafter.

1 Besides, he said nothing more than that could be
2 expected, as there was a limit to his abilities. He
3 was aware of the reasons that Tokyo was pressing for
4 an answer, yet he seemed to believe that there was no
5 reason that Japan could not wait a few more days. It
6 is also reported that Hu Shih, who had been ill abed,
7 made an appearance at the conference yesterday toward
8 its close.

9 "The Secretary has no intention of using his
10 good offices now in restoring peace between Japan and
11 China, and considers it difficult to suspend aid to
12 Chiang Kai-shek. But he appears to think that America's
13 present aid to Chiang Kai-shek is not of much importance,
14 and that the matter will develop as the peace policy
15 progresses. He seems to intend to leave the China
16 question until later. However, according to a re-
17 liable report Hull is of opinion that the stationing
18 of troops for such period as may be necessary is in
19 effect indefinite stationing; that there is no
20 objection if the duration is set for four or five
21 years, providing that the further decision be made
22 in accordance with the situation at the end of that
23 period; but that the indefinite stationing is contra-
24 dictory to the principles of non-annexation and re-
25 spect for sovereignty. (He repeatedly expressed his

1 regret that the negotiations had been interrupted in
2 July by the Japanese advance into French Indo-China,
3 and warned me indirectly lest action of a similar
4 nature be repeated.)

5 "With reference to the proposed transportation
6 of Japanese troops from southern to northern French
7 Indo-China, Hull maintained that it would have no
8 effect in relieving the present tension of the South-
9 western Pacific, and that the countries concerned
10 would be diverted by the Japanese forces therein and
11 their forces frozen no less than they are today. I
12 explained thereupon that, in my strategic judgment,
13 this was a great concession contributing much to the
14 amelioration of the tense situation in the Southwest-
15 ern Pacific. The Secretary pointed out, however, that
16 he alone was responsible for the contents of the con-
17 versations, and that no other person was allowed to
18 interfere in them (though he told me later that he was
19 going to consult with one or two influential Senators),
20 and that he did not understand strategic questions well.

21 "I showed him the preamble of Proposal 'B',
22 and tried to obtain his definite opinion article by
23 article. It seemed that the Secretary felt that Pro-
24 posal 'B' was a demand made upon the American Govern-
25 ment, and he looked very much displeased and declared

1 that there was no reason that demands should be made
2 upon the United States by the Japanese Government, and
3 that he was much 'discouraged at my pressing him to
4 answer "yes" or "no,"' entirely disregarding all his
5 efforts.

6 "We are negotiating with calmness and never
7 get excited. So are the Americans. The Secretary
8 said that the United States is taking the middle road
9 of peace and is negotiating on that ground, and that
10 it was hoped that Japan would respond to the American
11 policy of peace."

12 From the affidavit:

13 "The China problem was, as always, the object
14 of thought and effort in Tokyo (defense document No.
15 1401-U-2)" which I offer in evidence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document
18 1401-U-2 will receive exhibit No. 2947.

19 (Whereupon, the document above
20 referred to was marked defense exhibit
21 No. 2947 and received in evidence.)

22 MR. BLAKENEY: I read the exhibit, which is
23 a telegram:

24 "From TOGO to NOMURA

25 "23 November 1941

1 "It seems that the United States does not
2 concur in the fourth clause of Proposal 'B' relative
3 to the undertaking not to indulge in measures and
4 actions prejudicial to the endeavor for the restoration
5 of general peace between Japan and China. We have no
6 objection to President Roosevelt's being the intro-
7 ducer concurrently with Proposal 'B,' and it is our
8 intention to have China, through the good offices of
9 the President, express friendship toward Japan in
10 accordance with the American proposal (B) of the 12th,
11 and thereby commence peace talks directly with China.
12 As it is expected that an agreement for a truce will
13 be concluded between Japan and China at the opening
14 of such negotiations, American assistance to Chiang
15 would in practice become unnecessary in such an event.
16 It should therefore naturally be made clear that the
17 President, by his introduction, should cause Chiang
18 Kai-shek to propose peace to Japan, that the United
19 States in response should support the efforts for
20 Japanese-Chinese peace with a view to establishing
21 friendly relationships between the two countries,
22 and that therefore the United States should refrain
23 from any action which would disturb such efforts.

24 "You are directed to do your best to get the
25 United States to accept the fourth clause of Proposal

1 'B' and, when the negotiations shall have been con-
2 cluded, to bring about through the President's intro-
3 duction, by the time set in my telegram No. 812,
4 the peace proposal of Chian Kai-shek (preferably a
5 simple one.)"

6 From the affidavit:

7 "We also learned shortly thereafter that the
8 United States was holding consultations with the
9 British, Australian, Chinese and Dutch Governments
10 (defense document No. 1401-V-2)" which is offered in
11 evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document
14 1401-V-2 will receive exhibit No. 2948.

15 (Whereupon, the document above
16 referred to was marked defense exhibit
17 No. 2948 and received in evidence.)

18 MR. BLAKENEY: I read the exhibit, which is
19 a telegram:

20 "From NOMURA to TOGO

21 "25 November 1941

22 "Secretary Hull has twice conferred jointly
23 with the Ambassadors and Ministers of Great Britain,
24 Australia, the Netherlands East Indies and China. It
25 seems, however, that with the development of the

1 'B' and, when the negotiations shall have been con-
2 cluded, to bring about through the President's intro-
3 duction, by the time set in my telegram No. 812,
4 the peace proposal of Chian Kai-shek (preferably a
5 simple one.)"

6 From the affidavit:

7 "We also learned shortly thereafter that the
8 United States was holding consultations with the
9 British, Australian, Chinese and Dutch Governments
10 (defense document No. 1401-V-2)" which is offered in
11 evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document
14 1401-V-2 will receive exhibit No. 2948.

15 (Whereupon, the document above
16 referred to was marked defense exhibit
17 No. 2948 and received in evidence.)

18 MR. BLAKENEY: I read the exhibit, which is
19 a telegram:

20 "From NOMURA to TOGO

21 "25 November 1941

22 "Secretary Hull has twice conferred jointly
23 with the Ambassadors and Ministers of Great Britain,
24 Australia, the Netherlands East Indies and China. It
25 seems, however, that with the development of the

1 situation he confers mainly with the British Ambas-
2 sador only. Since this morning, the 25th, Australian
3 and Dutch representatives are informed through the
4 British Ambassador, and Hull is going to talk with the
5 Chinese Ambassador alone this evening after his confer-
6 ence with the British Ambassador. It is generally
7 noted that the United States no longer treats the
8 four countries on the same level."

9 Reverting to the affidavit:

10 "Thus while still hopeful of an agreement,
11 we felt that the situation was turning for the worse.
12 On 27 November we were informed by Ambassador NOMURA
13 of the note which Secretary Hull had handed to him on
14 the 26th (defense document No. 1401-X-2)" which I
15 offer in evidence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document
18 1401-X-2 will receive exhibit No. 2949.

19 (Whereupon, the document above
20 referred to was marked defense exhibit
21 No. 2949 and received in evidence.)

22 MR. BLAKENEY: I read, for the time being,
23 only the first paragraph of exhibit 2949, which is a
24 telegram:
25

"From NOMURA to TOGO

1 "27 November 1941

2 "The development of the Japanese-American
3 negotiations is as you are well acquainted with
4 through successive telegrams. The American proposal
5 of the 26th (telegram No. 1189) shows that there is
6 an extreme divergence between the positions of the
7 two parties, and there is unfortunately no prospect
8 whatsoever of America's accepting our position within
9 the period you indicated."

10 I read only that much for the time being.

11 Returning to the affidavit:

12 "This note (Exhibit 1245-I) was a great
13 disappointment to the Japanese Government; the view
14 of all concerned was that its acceptance would in-
15 volve Japan's falling to a lower international position
16 than in the days before the Manchurian Incident, and
17 that its very existence would be endangered. Other
18 incidents confirmed our opinion that the United States
19 had by that time become determined on war with Japan;
20 Ambassador NOMURA's report, for example, that,
21 abandoning the policy of both Governments since the
22 beginning of the negotiations, the United States had
23 made public on the 26th the details of the negotiations
24 and of its latest proposal (defense document No.
25 1401-A-3)" which is offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Defense document
3 1401-A-3 will receive exhibit No. 2950.

4 (Whereupon, the document above
5 referred to was marked defense exhibit
6 No. 2950 and received in evidence.)

7 MR. BLAKENEY: The exhibit is a telegram:

8 "From NOMURA to TOGO

9 "28 November 1941

10 "In reference to my telegram No. 1190.

11 "The State Department, which had maintained
12 silence concerning the Japanese-American negotiations,
13 broke its silence and made disclosure of the conver-
14 sations yesterday, the 26th. The press responded and
15 printed such headlines as 'Hull Hands Peace Plan to
16 Japan' and 'America Rejects Second "Munich"' and
17 stressed abstract points, such as Hull's four prin-
18 ciples, which have general appeal. It has to be noted
19 that the papers argue that it is up to Japan either to
20 accept or to reject the American proposal and that it
21 is Japan's responsibility to make choice between peace
22 and war."

23 (Reading from the affidavit): Meetings of
24 the Liaison Conference after 5 November

25 "18. The meetings of the Liaison Conference

1 after the Imperial Conference of 5 November considered
2 questions in connection with the Japanese-American
3 negotiations, but also considered the measures to be
4 taken in the unfortunate eventuality of the negoti-
5 ations failing and Japan's being forced to resort to
6 arms to preserve its own existence. Matters concern-
7 ing military operations, however, were kept absolutely
8 secret and were never once brought up for discussion
9 in the Liaison Conference. Although various docu-
10 ments (Exhibits 1175, 1169) relating to war were
11 drawn up by the Liaison Conference, these were pre-
12 paratory drafts discussed and adopted merely against
13 a time when war might prove to be inevitable, and not
14 as the result of any decision for war at the time;
15 that diplomatic efforts were to remain of first im-
16 portance was the assumption upon which the documents
17 were drawn.

18 "The Foreign Minister on 5 November instructed
19 Ambassador NOMURA to bend every effort to concluding
20 an agreement with the United States by the 25th
21 (Exhibit 1171), and again on the 22nd told him that
22 Japan could wait if agreement could be reached within
23 a few days further (Exhibit 1183), but that otherwise
24 the situation would have to be left to develop auto-
25 matically. The circumstances in Japan were increasingly

1 pressing the government to reach a settlement quickly,
2 and there was much expression of criticism that the
3 representatives in Washington, not realizing the
4 serious state of affairs, were too easy-going. The
5 Foreign Minister for this reason attempted to spur
6 on the Ambassadors. While the government was making
7 desperate efforts to conclude the negotiations, the
8 military authorities considered that from the point
9 of view of their responsibility for national defense
10 it was disadvantageous to delay the opening of hostil-
11 ities if war was to be inevitable, and urgently de-
12 manded to know whether there was any possibility of
13 successful conclusion of the negotiations. These
14 negotiations had been in progress for nearly eight
15 months and, it was urged, the views of both sides were
16 well known to each other, and it could not require
17 long to ascertain whether there was a prospect of
18 agreement. Hence the necessity for the instructions
19 to the Ambassadors setting dates for conclusion;
20 there was no suggestion in Japan that was would be
21 commenced without further deliberations.

22 "The Negotiations after 26 November

23
24 "19. Upon receipt of the note of the American
25 Government of 26 November, it was felt generally in
Japan by those conversant with the matter, including

1 the attendants at the Liaison Conference, to be
2 clear that hope of bringing the Japanese-American
3 negotiations to a successful issue through either a
4 complete agreement or a modus vivendi were almost
5 lost. Nevertheless, with the design of leaving un-
6 explored no possibility for maintenance of the peace
7 of the Pacific, the Foreign Minister sent additional,
8 messages urging the Ambassadors to attempt to obtain
9 reconsideration by the United States, the only course
10 remaining open (Exhibits 1193, 1194 and 1195),
11 (defense document 1401-D-3)" which is offered in
12 evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Defense document
15 1401-D-3 will receive exhibit No. 2951.

16 (Whereupon, the document above
17 referred to was marked defense exhibit
18 No. 2951 and received in evidence.)

19 MR. BLAKENEY: I read this exhibit, which is
20 a telegram:

21 "From TOGO to NOMURA

22 "3 December 1941

23 "In reference to your telegram No. 1225.

24 "1. It is observed that the United States
25 makes much of the statement of our Government, the

1 trend of public opinion and the troop-movements in
2 the south, and expresses apprehension on account of
3 them over our sincerity in the negotiations. However
4 the facts about the statement of Premier TOJO were as
5 contained in my telegram No. 866, and we consider
6 that the unexpected repercussion was caused by an
7 extreme inappropriateness of translation (made by
8 the DOMEI news agency.) As to the direction of
9 public opinion, I have been taking great pains over
10 it. It is understood that Ambassador Grew has made
11 report to his Government on this point, and even
12 Secretary Hull himself expressed satisfaction with
13 the improvement, as you reported in your telegram
14 No. 1148. In spite of this, the recent tone of the
15 press in the United States has been very provocative
16 and the radio broadcasts (especially the short-wave
17 broadcasts from San Francisco in the last several days)
18 are daily giving reports of the delicate subjects of
19 the negotiations. Such broadcasts can never be made
20 unless there is close contact with quarters familiar
21 with the course of the negotiations. It is inappropri-
22 ate for the United States to blame Japan without
23 considering her own faults.

24 "2. The United States, Britain and other
25 countries have increasingly of late intensified their

1 military preparations against Japan and adopted a
2 provocative attitude toward us. On the 20th of
3 last month, for instance, an American plane made a
4 reconnaissance flight over Garambi in the South of
5 Formosa. (Protest concerning the matter was made to
6 the American Ambassador in Tokyo on the 27th.) This
7 is not an isolated case of such American and British
8 actions. It is our desire in view of the delicate
9 situation that they should themselves refrain from
10 repeating such actions.

11 "3. You are directed to make further
12 explanations to the United States that our proposal
13 of 20 November was made from the standpoint of fair-
14 ness, and that we believe it the best measure to save
15 the situation at this moment. (It is assumed that the
16 United States refers, when she asserts that our pro-
17 posal is inconsistent with the general principles, to
18 the provisions of Article 4 relative to non-interference
19 with the peace between Japan and China.) Our assertion
20 is, as repeatedly made clear to the United States,
21 that she should stop assisting Chiang when peace talk
22 is commenced between Japan and China through the intro-
23 duction of the President. You should bear in mind,
24 therefore, that our position by no means conflicts
25 with what the United States calls fundamental

1 principles."

2 From the affidavit:

3 "The commencement of war is decided only by
4 an Imperial Conference; and before that decision
5 was made on 1 December the Ambassadors were cautioned
6 not to give the impression that negotiations were
7 closed for the reason that there was still no definite
8 determination for war, although it was considered
9 that rupture of the negotiations was inevitable, in
10 the light of American attitude, unless reconsideration
11 could be obtained. Even thereafter, in accordance
12 with the decision, military operations were still to
13 be stopped if the negotiations succeeded (Exhibit 809.)"

14 THE PRESIDENT: We will adjourn until half
15 past nine on Monday morning.

16 (Whereupon, at 1600, an adjourn-
17 ment was taken until Monday, 18 August 1947,
18 at 0930.)
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